

## SIXTY-SEVENTH DAY

(Friday, May 5, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Baker of Grayson	Harrell of Bastrop
Bell	Hartzog
Blankenship	Heflin
Boethel	Holland
Bond	Howard
Boyd	Howington
Boyer	Hull
Bradbury	Hunt
Bradford	Isaacks
Bridgers	Johnson of Ellis
Broadfoot	Johnson of Tarrant
Brown of Cherokee	Keith
Brown	Kennedy
of Nacogdoches	Kern
Bundy	Kerr
Burkett	Kersey
Burney	Kinard
Cauthorn	King
Celaya	Langdon
Chambers	Lehman
Clark	Leonard
Cleveland	Leyendecker
Cockrell	Little
Coleman	Lock
Colquitt	Loggins
Colson, Mrs.	London
Cornett	Mays
Corry	McAlister
Crossley	McDaniel
Daniel	McDonald
Davis of Jasper	McFarland
Davis of Upshur	McMurry
Derden	McNamara
Dickison	Mohrmann
Dickson	Monkhouse
Donaghey	Montgomery
Dowell	Morris
Dwyer	Newell
Faulkner	Nicholson
Felty	Oliver
Ferguson	Pace
Fielden	Petsch
Fuchs	Pevehouse
Galbreath	Piner
Gilmer	Pope
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar

Reader of Erath	Talbert
Reaves	Tarwater
Reed	Taylor
Rhodes	Tennant
Riviere	Thornberry
Roach	Thornton
Roberts	Turner
Robinson	Vale
Russell	Vint
Schuenemann	Voigt
Segrist	Waggoner
Shell	Weldon
Skiles	Wells
Smith of Frio	Westbrook
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright
Stoll	

Absent

Harrell of Lamar Harris

Absent—Excused

Bray	White
Dean	

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, with all Thy rich blessings upon our State and great nation we still need Thee in all our ways. More and more may our people be imbued with high ideals of right and justice, upon which finally we and all the world must be built. Give us the larger view this morning, a full grasp of our responsibilities and privileges. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Bray for today, on motion of Mr. McMurry.

Mr. Dean for today, on motion of Mr. Kinard.

The following Member was granted leave of absence on account of illness:

Mr. White for today, on motion of Mr. Langdon.

## RELATIVE TO HOUSE BILL NO. 1006

Mr. Smith of Matagorda asked unanimous consent of the House to change the word "and" to "nor" wher-

ever it appears before the words "more than four hundred" in House Bill No. 1006, and to amend the caption to conform; also to insert the enacting clause in House Bill No. 1006.

There was no objection offered and it was so ordered.

**EXPRESSING TRIBUTE TO THE  
TEXAS CENTENNIAL COM-  
MITTEE OF SAN AUGUS-  
TINE COUNTY**

Mr. Westbrook offered the following resolution:

H. S. R. No. 257, Expressing tribute to the Texas Centennial Committee of San Augustine County.

Whereas, The Texas Centennial Committee, of San Augustine County, in the year 1936, received the distinction of having been the first county in the State to provide for its quota of membership in the Centennial Club; and

Whereas, It was the only small county in the State to have a representative at every State meeting of the Centennial Committee;

Whereas, There was erected in the town of San Augustine, under the sponsorship of the Committee of said County, a monument in memory of General Pinkney Henderson, first Governor of Texas, said town being the home of General Henderson;

Whereas, The membership of the County Committee was composed of Mr. and Mrs. R. N. Stripling, A. O. Rushing, Robert Greer and Mrs. U. D. Lynch; and

Whereas, Mrs. Lynch, chairman of the committee, was tireless in her efforts to bring about success for the committee and to the entire Centennial program, and in recognition of her patriotic work she has been made a complimentary member of the Historical and Land Markers Association, and a sketch of her life will be placed in the archives of the University of Texas; now, therefore, be it

Resolved by the House of Representatives, That tribute be paid to this committee for the distinction achieved; and, be it further

Resolved, That the chairman of this committee, Mrs. U. D. Lynch, be highly complimented in making such an outstanding record, and that a copy of this resolution, under the seal of the House, be sent to her.

The resolution was read second time, and was adopted.

**GRANTING USE OF THE HALL  
OF THE HOUSE**

Mrs. Colson offered the following resolution:

H. S. R. No. 261, Granting use of the Hall of the House to the United Daughters of the Confederacy.

Whereas, From time immemorial it has been thought to be fitting and proper to commemorate the valorous deeds and heroic representation of our soldiers, sailors, and marines; and

Whereas, We have 12 Members of the House and Senate of the Texas Legislature who are World War Veterans and descendants of Confederate Veterans and who are eligible to receive the decoration of the cross of military service; and

Whereas, The 12 Members above mentioned are entitled to such decorations; and

Whereas, Three other distinguished World War Veterans and descendants of Confederate Veterans are present and available; and

Whereas, The United Daughters of the Confederacy will meet in the Hall of the House of Representatives on Tuesday, May 9, at 3:00 o'clock for the purpose of decorating such group of soldiers eligible for such decoration; and

Whereas, Such occasion will be an inspiring and highly patriotic service and is in keeping with the forms and customs in such cases; now, therefore, be it

Resolved, That the House of Representatives set aside and grant to the United Daughters of the Confederacy the day and hour hereinabove set out for the purpose of such decoration and the ceremonies incident thereto, and that the ex-soldiers of the World War who are descendants of Confederate Veterans be present and receive such decorations, and that the public generally be invited to witness the presenting of the distinguished cross of military service to each of those hereinabove mentioned who are eligible to receive the same, and it is so resolved.

COLSON, MRS.,  
KINARD,  
LANGDON.

The resolution was read second time, and was adopted.

**GRANTING CERTAIN DISTRICT  
JUDGE PERMISSION TO BE  
ABSENT FROM THE  
STATE**

Mr. Hardeman offered the following resolution:

H. C. R. No. 124, Granting Judge O. L. Parish permission to be absent from the State.

Whereas, Hon. O. L. Parish, Judge of the One Hundred Nineteenth Judicial District of Texas, desires to leave the State some time during the years 1939 and 1940 on personal business and to take a vacation; therefore, be it

Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Hon. O. L. Parish, Judge of the One Hundred Nineteenth Judicial District of Texas, be and he is hereby granted permission to be absent from the State of Texas at such intervals and for such time as he may see fit and proper during the years 1939 and 1940, taking into consideration the condition of the docket of said Court; provided that such absence from the State of Texas will not be for more than three (3) weeks during any one year.

The resolution was read second time, and was adopted.

**RELATIVE TO THE TRUCK LOAD  
LIMIT LAW**

Mr. Burney offered the following resolution:

H. C. R. No. 128, Directing the Railroad Commission of Texas and Department of Public Safety of Texas to suspend enforcement of the 7,000 pound truck load limit law until such time as such law has been amended by the Legislature of the State of Texas.

Whereas, The 7,000 pound truck load limit law now operates chiefly against carriers engaged in handling farm products; and

Whereas, The 7,000 pound truck load limit law is operating to the detriment of those engaged in the business of carrying farm products; and

Whereas, The producers of farm products in this State must depend upon the truck to get their commodities to market; and

Whereas, The enforcement of the 7,000 pound truck load limit law is

costing the producers of farm products in this State millions of dollars; and

Whereas, Texas highways are capable of handling loads as great as the highways of any State in the Union; and

Whereas, The State of Texas has set its truck load limit far below the truck load limit set by other States of the Union; and

Whereas, Such a low truck load limit operates directly to raise the cost of transportation of agricultural commodities by motor vehicles; and

Whereas, The operation and effect of the present truck load limit law places a trade barrier between Texas industries and Texas producers of farm products, and the market for the products of such industries and producers in other States of the Union; and

Whereas, Under a higher truck load limit law, highway hazards incident to trucking would be less than under the present law, by reason of the fact that fewer trucks would operate upon the highways of this State, and by reason of the fact that the trucking industry could thereby afford to buy and maintain better equipment; therefore, be it

Resolved by the Legislature of the State of Texas, That the Railroad Commission of the State of Texas and the Department of Public Safety of the State of Texas are hereby directed and instructed to suspend enforcement of the law known as the 7,000 pound truck load limit law as it applies to farm products with the exception of cotton, until such time as the Legislature of the State of Texas has amended said 7,000 pound truck load limit law so as to raise the truck load limit to a reasonable amount.

**BURNEY,  
LEONARD.**

The resolution was read second time.

Mr. Alsup raised a point of order, on further consideration of the resolution, at this time, on the ground that the resolution attempts to amend the statutes.

Mr. Reed raised a point of order, on further consideration of the resolution, at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order raised by Mr. Reed.

Mr. Cornett moved that the time allotted for the consideration of resolutions be extended until the above resolution is disposed of.

The motion was lost by the following vote:

Yeas—51

Allison	Howington
Bailey	Hunt
Baker	Isaacks
of Fort Bend	Kern
Boethel	Kersey
Bradbury	King
Burkett	Leonard
Burney	Little
Cauthorn	Lock
Celaya	Loggins
Clark	Monkhouse
Cockrell	Newell
Coleman	Ragsdale
Cornett	Reader of Erath
Crossley	Shell
Dowell	Skiles
Ferguson	Smith of Frio
Fielden	Smith of Hopkins
Galbreath	Spencer
Gilmer	Tarwater
Goodman	Taylor
Hale	Waggoner
Hardeman	Weldon
Harp	Westbrook
Harrell of Bastrop	Worley
Harris	Wright

Nays—74

Allen	Harrell of Lamar
Alsop	Hartzog
Baker of Grayson	Holland
Bell	Howard
Blankenship	Johnson of Ellis
Bond	Johnson of Tarrant
Boyd	Keith
Boyer	Kennedy
Broadfoot	Kerr
Brown of Cherokee	Langdon
Bundy	Lehman
Cleveland	Leyendecker
Daniel	McAlister
Davis of Upshur	McDaniel
Derden	McDonald
Dickson	McFarland
Dickson	McNamara
Donaghey	Mohrmann
Dwyer	Montgomery
Faulkner	Morris
Fuchs	Nicholson
Gordon, Mrs.	Oliver
Hamilton	Pace
Hankamer	Pevehouse
Hardin	Reader of Bexar
Harper	Reed

Rhodes	Talbert
Riviere	Tennant
Roach	Thornberry
Roberts	Thornton
Robinson	Turner
Russell	Vint
Schuenemann	Voigt
Segrist	Wells
Smith	Wilson
of Matagorda	Winfree
Stinson	Wood
Stoll	

Absent

Anderson	Heflin
Bradford	Hull
Bridgers	Kinard
Brown	London
of Nacogdoches	Mays
Chambers	McMurry
Colquitt	Petsch
Colson, Mrs.	Piner
Corry	Pope
Davis of Jasper	Reaves
Felty	Vale

Absent—Excused

Bray	White
Dean	

# EXPRESSING SYMPATHY OF THE HOUSE TO HON. JOSEPH WHITE, JR.

Mr. Harrell of Lamar offered the following resolution:

H. S. R. No. 263, Expressing sympathy of the House to Hon. Joseph White, Jr.

Whereas, Our colleague, the Honorable Joseph White, Jr., is ill at his home, and is unable to be at his desk in the House of Representatives; and

Whereas, We deeply regret his illness and inability to be present; now, therefore, be it

Resolved by the Members of the House of Representatives, That we extend our sincere sympathy to Mr. White, and wish for him a speedy recovery; and, be it further

Resolved, That the Chief Clerk of the House be instructed to order suitable flowers sent to the Honorable Joseph White, Jr., at his home, 1504 Congress Avenue, and that a copy of this resolution be forwarded to Mr. White.

HARRELL of Lamar,  
TURNER.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsop, Anderson, Bailey, Baker

of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickson, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Turner, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

**GRANTING CERTAIN DISTRICT  
JUDGE PERMISSION TO BE  
ABSENT FROM THE  
STATE**

Mr. Tarwater offered the following resolution:

H. C. R. No. 130, Granting Hon. C. D. Russell, Judge of the 64th Judicial District of Texas, permission to be absent from the State of Texas while his courts are in vacation, during the year 1939.

Be It Resolved by the House of Representatives of the State of Texas, the Senate concurring, That Honorable C. D. Russell, Judge of the 64th

Judicial District of Texas, be, and he is hereby granted permission to be absent from the State of Texas at such intervals of time in 1939, as he may see fit and proper while his courts are in vacation during such year.

The resolution was read second time, and was adopted.

**RELATIVE TO SENATE BILL  
NO. 70**

Mr. Howard moved to suspend the Rules, relative to the making of motions to reconsider, for the purpose of making a motion to reconsider the vote by which Senate Bill No. 70 was passed.

The motion to suspend the Rules prevailed by the following vote:

Yeas—121

Allen	Hamilton
Alsup	Hankamer
Bailey	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Boethel	Harrell of Lamar
Bond	Harris
Boyd	Holland
Boyer	Howard
Bradbury	Howington
Bradford	Hunt
Brown of Cherokee	Isaacks
Bundy	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Chambers	Kersey
Clark	Kinard
Cleveland	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Leonard
Colson, Mrs.	Leyendecker
Cornett	Lock
Corry	Loggins
Crossley	London
Daniel	McAlister
Davis of Upshur	McDaniel
Derden	McDonald
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Faulkner	Monkhouse
Ferguson	Montgomery
Fielden	Morris
Fuchs	Newell
Galbreath	Nicholson
Gilmer	Oliver
Gordon, Mrs.	Pace

Petsch	Spencer
Pevehouse	Stinson
Piner	Tarwater
Pope	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Turner
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Wells
Segrist	Westbrook
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wood
Smith	Worley
of Matagorda	Wright

## Nays—1

Baker  
of Fort Bend

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Allison	Heflin
Anderson	Hull
Bridgers	Keith
Broadfoot	Little
Davis of Jasper	Mays
Dickison	McFarland
Dwyer	Ragsdale
Felty	Reader of Bexar
Goodman	Shell
Hale	Stoll
Hardeman	Talbert
Hartzog	

## Absent—Excused

Bray	White
Dean	

On motion of Mr. Howard, the vote was reconsidered, by which Senate Bill No. 70 was passed.

Question—Shall Senate Bill No. 70 be passed?

Mr. Howard offered the following amendments to the bill:

Amend Senate Bill No. 70, Section 1, by striking therefrom the following, wherever it appears: "unless specifically alleged in such plea", and to correct the punctuations in the body and caption by reason of these amendments.

Amend Senate Bill No. 70, by striking out of the caption the following: "Subdivisions 8 and 9 of", and by

striking out "unless specifically alleged in such plea".

The amendments were adopted by the following vote:

## Yeas—121

Allen	Isaacks
Allison	Johnson of Ellis
Alsup	Johnson of Tarrant
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kerr
Bell	Kersey
Boethel	Kinard
Bond	Lehman
Boyd	Leonard
Boyer	Little
Bradbury	Lock
Bradford	London
Bridgers	McAlister
Broadfoot	McDaniel
Brown of Cherokee	McDonald
Brown	McFarland
of Nacogdoches	McMurry
Bundy	Mohrmann
Burkett	Monkhouse
Burney	Montgomery
Cauthorn	Morris
Celaya	Newell
Chambers	Nicholson
Cleveland	Oliver
Cockrell	Pace
Coleman	Petsch
Colquitt	Pevehouse
Colson, Mrs.	Piner
Corry	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reaves
Davis of Upshur	Reed
Derden	Rhodes
Dickson	Riviere
Donaghey	Roach
Dowell	Roberts
Dwyer	Robinson
Faulkner	Russell
Ferguson	Schuenemann
Fielden	Segrist
Fuchs	Shell
Galbreath	Skiles
Goodman	Smith of Frio
Gordon, Mrs.	Smith of Hopkins
Hale	Smith
Hamilton	of Matagorda
Hankamer	Spencer
Hardeman	Talbert
Hardin	Tarwater
Harp	Taylor
Harper	Tennant
Harrell of Lamar	Thornberry
Harris	Thornton
Holland	Turner
Howard	Vale
Howington	Vint
Hunt	Voigt

Waggoner  
Weldon  
Wells  
Westbrook

Winfree  
Wood  
Worley  
Wright

## Absent

Anderson  
Baker of Grayson  
Blankenship  
Clark  
Cornett  
Davis of Jasper  
Dickison  
Felty  
Gilmer  
Harrell of Bastrop  
Hartzog  
Heflin  
Hull

Keith  
King  
Langdon  
Leyendecker  
Loggins  
Mays  
McNamara  
Pope  
Ragsdale  
Stinson  
Stoll  
Wilson

## Absent—Excused

Bray  
Dean

White

Senate Bill No. 70 was then passed  
by the following vote:

## Yeas—124

Allen	Faulkner
Allison	Ferguson
Alsup	Fielden
Bailey	Fuchs
Baker	Galbreath
of Fort Bend	Goodman
Bell	Gordon, Mrs.
Blankenship	Hale
Boethel	Hamilton
Bond	Hankamer
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Broadfoot	Harrell of Bastrop
Brown of Cherokee	Harrell of Lamar
Bundy	Harris
Burkett	Holland
Burney	Howard
Cauthorn	Howington
Celaya	Hunt
Chambers	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Kennedy
Colquitt	Kern
Colson, Mrs.	Kerr
Corry	Kersey
Crossley	Kinard
Daniel	King
Davis of Upshur	Langdon
Derden	Lehman
Dickson	Leonard
Donaghey	Leyendecker
Dowell	Little
Dwyer	Lock

London  
McAlister  
McDaniel  
McDonald  
McFarland  
McMurry  
Mohrmann  
Monkhouse  
Montgomery  
Morris  
Newell  
Nicholson  
Oliver  
Pace  
Petsch  
Pevehouse  
Piner  
Reader of Bexar  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere  
Roach  
Roberts  
Robinson  
Russell

Schuenemann  
Segrist  
Skiles  
Smith of Frio  
Smith of Hopkins  
Smith  
of Matagorda  
Spencer  
Stoll  
Talbert  
Tarwater  
Taylor  
Tennant  
Thornberry  
Thornton  
Turner  
Vale  
Vint  
Voigt  
Weldon  
Wells  
Westbrook  
Wilson  
Winfree  
Wood  
Worley  
Wright

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Hull
Baker of Grayson	Keith
Bridgers	Loggins
Clark	Mays
Cornett	McNamara
Davis of Jasper	Pope
Dickison	Ragsdale
Felty	Shell
Gilmer	Stinson
Hartzog	Waggoner
Heflin	

## Absent—Excused

Bray  
Dean

White

### RELATIVE TO HOUSE BILL NO. 1047

Mr. Wilson asked unanimous consent of the House, to change the word "obtained" to "sustained" wherever it occurs in House Bill No. 1047 after the word "damages".

There was no objection offered, and it was so ordered.

### RELATIVE TO HOUSE BILL NO. 1051

Mr. Wilson asked unanimous consent of the House, to change the word "obtained" to "sustained" wher-

ever it occurs in House Bill No. 1051 after the word "damages".

There was no objection offered, and it was so ordered.

#### RELATIVE TO HOUSE BILL NO. 543

On motion of Mr. Smith of Frio, and by unanimous consent of the House, the caption of House Bill No. 543 was ordered amended to conform to all changes and with the body of the bill.

#### RELATIVE TO HOUSE BILL NO. 1054

On motion of Mr. Harris, and by unanimous consent of the House, the caption of House Bill No. 1054 was ordered amended to conform to all changes and with the body of the bill.

#### RELATIVE TO HOUSE BILL NO. 994

Mr. Oliver asked unanimous consent of the House, to add the words "school districts located in" after the words "and in all" and before the words "counties having a population not less than 12,460", in House Bill No. 994, being a local bill.

There was no objection offered, and it was so ordered.

#### RELATIVE TO HOUSE BILL NO. 1015

Mr. Cleveland asked unanimous consent of the House, to insert the words "and said Rule is hereby suspended" at the proper place in the emergency clause of House Bill No. 1015.

There was no objection offered, and it was so ordered.

#### HOUSE BILL NO. 688 ON PAS- SAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 688, A bill to be entitled "An Act to amend Sections 1 and 6 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, and to amend Section 7 of Chapter 13, Acts of the Third Called Session of the Forty-second Legislature, as amended by Chapter 136, Acts of the Regular Session of the Forty-third Legislature, as amended by Chapter 117, Acts of the

First Called Session of the Forty-third Legislature, as amended by Chapter 326, Acts of the Regular Session of the Forty-fourth Legislature, and as amended by Chapter 370, Acts of the Regular Session of the Forty-fifth Legislature, relative to the Board of County and District Road Indebtedness; and providing that if any portion hereof be unconstitutional or invalid for any reason, the remaining part shall, nevertheless, be in full force and effect; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

The bill having heretofore been read second time with amendment by Mr. Tarwater, and motion by Mr. Keith to table the amendment by Mr. Tarwater, pending.

(Mr. Keith having withdrawn the pending substitute amendment offered by himself for the amendment by Mr. Tarwater.)

(Mr. Leonard in the Chair.)

(Speaker in the Chair.)

Question recurring on the motion to table the amendment by Mr. Tarwater, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—57

Alsup	Lock
Baker	Loggins
of Fort Bend	Mays
Baker of Grayson	McAlister
Boyd	McDonald
Bradford	McNamara
Broadfoot	Morris
Brown of Cherokee	Pace
Burkett	Piner
Celaya	Pope
Colson, Mrs.	Reed
Corry	Rhodes
Davis of Upshur	Roach
Dickison	Russell
Dowell	Smith of Hopkins
Ferguson	Smith
Galbreath	of Matagorda
Gordon, Mrs.	Spencer
Hale	Talbert
Hamilton	Tennant
Harrell of Lamar	Thornberry
Hartzog	Turner
Heflin	Waggoner
Holland	Weldon
Johnson of Tarrant	Wells
Keith	Westbrook
Kennedy	Wilson
Kern	Wood
Kerr	Wright
Leonard	



## Nays—82

Allen	Howington
Allison	Hunt
Anderson	Isaacks
Bailey	Johnson of Ellis
Bell	Kersey
Blankenship	King
Boethel	Lehman
Bond	Leyendecker
Boyer	Little
Bradbury	London
Bridgers	McDaniel
Brown	McFarland
of Nacogdoches	McMurry
Bundy	Mohrmann
Burney	Monkhouse
Cauthorn	Montgomery
Chambers	Newell
Clark	Nicholson
Cleveland	Oliver
Cockrell	Petsch
Coleman	Pevehouse
Colquitt	Ragsdale
Cornett	Reader of Bexar
Crossley	Reader of Erath
Daniel	Reaves
Derden	Riviere
Dickson	Roberts
Donaghey	Robinson
Dwyer	Schuenemann
Faulkner	Segrist
Felty	Skiles
Fuchs	Smith of Frio
Gilmer	Stinson
Goodman	Stoll
Hankamer	Tarwater
Hardeman	Taylor
Hardin	Thornton
Harp	Vale
Harper	Vint
Harrell of Bastrop	Voigt
Harris	Worley
Howard	

## Absent

Davis of Jasper	Langdon
Fielden	Shell
Hull	Winfree
Kinard	

## Absent—Excused

Bray	White
Dean	

Mr. Mays offered the following amendment to the amendment by Mr. Tarwater:

Amend Tarwater substitute for House Bill No. 688, by adding a new Section, 4A, to read as follows: "All counties now receiving tax remissions either in whole or in part shall have deducted from this allocation from their part, an amount equal

to the amount of taxes they are getting remitted which amount shall be returned to the General Fund of the State of Texas to replace the revenue lost by the remission of their taxes."

MAYS,  
BAKER of Grayson,  
KENNEDY,  
SPENCER,  
HOWINGTON,  
WELDON,  
CHAMBERS.

Mr. Bradbury moved the previous question on the pending amendments, and the engrossment of House Bill No. 688, and the main question was ordered.

Mr. Thornton raised a point of order, on further consideration of the amendment by Mr. Mays, at this time, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Thornton raised a point of order on further consideration of the amendment by Mr. Mays, at this time, on the ground that the amendment changes the original purpose of the bill.

The Speaker sustained the point of order.

Mr. Mays (by unanimous consent) offered the following amendment to the amendment by Mr. Tarwater:

Amend Tarwater substitute to House Bill No. 688 by adding a new Section 4a, to read, as follows:

"4a. All counties now receiving or who shall hereafter receive remission of State ad valorem taxes either in whole or in part shall have deducted from the amount such counties are entitled to receive hereunder an amount equal to the amount of taxes received under said remission, which amount shall remain in the County Lateral Road Fund for further distribution under the terms of this Act."

MAYS,  
LEHMAN,  
BAKER of Grayson,  
MORRIS,  
KEITH,  
CHAMBERS,  
KENNEDY,  
WELDON,  
SPENCER.

Question recurring on the amendment by Mr. Mays, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—64

Allen	Johnson of Tarrant
Alsup	Keith
Bailey	Kennedy
Baker of Grayson	Kern
Blankenship	Kerr
Boyd	Langdon
Bradbury	Lehman
Broadfoot	Loggins
Brown	London
of Nacogdoches	Mays
Cauthorn	McDaniel
Chambers	McFarland
Coleman	Morris
Colquitt	Newell
Cornett	Pace
Corry	Pevehouse
Daniel	Piner
Davis of Jasper	Reed
Davis of Upshur	Roach
Derden	Russell
Dickison	Skiles
Dickson	Smith of Hopkins
Faulkner	Spencer
Ferguson	Talbert
Fielden	Taylor
Hale	Tennant
Hamilton	Vint
Hardeman	Waggoner
Harper	Weldon
Harrell of Bastrop	Wells
Harris	Wood
Howington	Worley
Hunt	

## Nays—75

Allison	Hankamer
Baker	Hardin
of Fort Bend	Hartzog
Bell	Heflin
Boethel	Holland
Boyer	Howard
Bradford	Isaacks
Bridgers	Johnson of Ellis
Brown of Cherokee	Kersey
Bundy	Kinard
Burkett	King
Burney	Leonard
Celaya	Little
Clark	Lock
Cleveland	McAlister
Cockrell	McDonald
Colson, Mrs.	McMurry
Crossley	McNamara
Donaghey	Mohrmann
Dwyer	Monkhouse
Felty	Montgomery
Fuchs	Nicholson
Galbreath	Oliver
Gilmer	Petsch
Goodman	Pope
Gordon, Mrs.	Ragsdale

Reader of Bexar	Stinson
Reader of Erath	Stoll
Reaves	Tarwater
Rhodes	Thornberry
Riviere	Thornton
Roberts	Turner
Robinson	Vale
Schuenemann	Voigt
Segrist	Westbrook
Shell	Wilson
Smith of Frio	Winfree
Smith	Wright
of Matagorda	

## Absent

Anderson	Harrell of Lamar
Bond	Hull
Dowell	Leyendecker
Harp	

## Absent—Excused

Bray	White
Dean	

Question recurring on the amendment by Mr. Tarwater, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

House Bill No. 688 was then passed to engrossment.

## HOUSE BILL NO. 688 ON THIRD READING

Mr. Tarwater moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 688 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—121

Allen	Bundy
Allison	Burkett
Alsup	Burney
Anderson	Cauthorn
Bailey	Celaya
Baker	Chambers
of Fort Bend	Clark
Baker of Grayson	Cleveland
Bell	Cockrell
Boethel	Coleman
Boyd	Colquitt
Boyer	Cornett
Bradbury	Crossley
Bridgers	Daniel
Broadfoot	Davis of Jasper
Brown	Davis of Upshur
of Nacogdoches	Derden

Dickison	McFarland
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Pace
Fuchs	Petsch
Galbreath	Pevehouse
Gilmer	Piner
Goodman	Ragsdale
Gordon, Mrs.	Reader of Bexar
Hale	Reader of Erath
Hamilton	Reaves
Hankamer	Reed
Hardeman	Rhodes
Hardin	Riviere
Harp	Roach
Harrell of Bastrop	Roberts
Harrell of Lamar	Russell
Harris	Schuenemann
Hartzog	Segrist
Heflin	Shell
Holland	Skiles
Howard	Smith of Frio
Howington	Smith of Hopkins
Hull	Smith
Hunt	of Matagorda
Isaacks	Spencer
Johnson of Ellis	Stinson
Keith	Stoll
Kennedy	Talbert
Kern	Taylor
Kersey	Turner
King	Voigt
Lehman	Waggoner
Leonard	Weldon
Little	Wells
Lock	Wilson
Loggins	Winfree
London	Wood
Mays	Worley
McDaniel	Wright

## Nays—13

Blankenship	McAlister
Bradford	McDonald
Colson, Mrs.	Nicholson
Corry	Robinson
Johnson of Tarrant	Tennant
Kerr	Thornton
Kinard	

## Absent

Bond	Pope
Brown of Cherokee	Tarwater
Harper	Thornberry
Langdon	Vale
Levendecker	Vint
Oliver	Westbrook

## Absent—Excused

Bray	White
Dean	

The Speaker then laid House Bill No. 688 before the House on third reading and final passage.

The bill was read third time.

Question—Shall House Bill No. 688 be passed?

#### APPOINTMENT OF CONFERENCE COMMITTEE ON HOUSE BILL NO. 194

The Speaker announced the appointment of the following Conference Committee on House Bill No. 194: Messrs. Dean, Kinard, Morris, Dickison and Kersey.

#### MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 256.

The following have been appointed on the part of the Senate: Senators Roberts, Burns, Lemens, Moffett and Winfield.

The Senate has granted the request of the House for a Conference Committee to adjust the differences between the two Houses on House Bill No. 257.

The following have been appointed on the part of the Senate: Senators Roberts, Brownlee, Kelley, Spears, and Small.

The Senate has adopted

S. C. R. No. 45, Relative to display of map of the proposed Big Bend National Park.

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### ADOPTION OF CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 135

Mr. Bond submitted the following Conference Committee Report on Senate Bill No. 135:

Austin, Texas, May 4, 1939.

Hon. Coke Stevenson, President of the Senate.

Hon. Emmett Morse, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on Senate Bill No. 135, have had the same under consideration and we recommend to the Senate and to the House of Representatives that such bill pass in the form attached hereto.

Respectfully submitted,

MOORE,  
NELSON,  
ROBERTS,  
LEMENS,  
SHIVERS,

On the part of the Senate.

HEFLIN,  
THORNTON,  
TAYLOR,  
BROWN of Cherokee,  
BOND,

On the part of the House.

S. B. No. 135

#### A BILL

#### To Be Entitled

An Act applying and relating to and embracing all insurance companies and associations, whether incorporated or not, issuing policies or certificates of insurance on the lives of persons or providing health and accident benefits upon the so-called mutual assessment plan or whose funds are derived from assessments upon policy-holders or members, applying and including all life, health and accident companies or associations which do not come within the provisions of Chapter 3, Chapter 5, Chapter 7, Chapter 8, Chapter 9, Chapter 18, Chapter 19 or Chapter 20, Title 78 of the Revised Civil Statutes of Texas, and include local mutual aid associations; statewide life; or life, health and accident associations; mutual assessment life, health and accident associations; burial associations; and similar concerns, by whatsoever name or class designated, whether specifically named herein or not; defining terms and words used in the Act and giving authority to the Board of Insurance Commissioners of the State of Texas with reference to the names of associations formed under

said Act and full power with reference to the issuance of certificates and the regulation of such companies, or associations, whether incorporated or not; authorizing the Board of Insurance Commissioners of the State of Texas to remove officers, employees and others under certain circumstances; requiring bonds of officers and employees and requiring deposits with the State Treasurer, through the Board of Insurance Commissioners, of cash or convertible securities as provided in said Act; requiring the keeping of a list of members and proper statistical records, and records as to amounts paid on assessments and the funds distributed between expense and mortuary or relief funds and the amounts paid; prohibiting the transferring of any group or part thereof under certain circumstances; requiring the keeping of books and records as required by this Act; providing for forms of policies or certificates issued and what the same shall and shall not contain; giving power and authority to the Board of Insurance Commissioners with reference to the approval and disapproval thereof; making it unlawful to assume liability on any life insurance risk on any one life in an amount in excess of Five Thousand (\$5,000.00) Dollars; providing for assessments as will meet the reasonable operating expense of the association and providing for the payment in full of the claims arising under certificates issued, and providing for the filing with the Board of Insurance Commissioners rate schedules; providing for the dividing of funds, one shall be the mortuary or relief fund and the expense or general fund, and the placing of at least sixty per cent (60%) of assessments collected in the mortuary or relief fund and for the investment of the mortuary or relief funds; requiring the keeping of by-laws, and specifically designating certain provisions to be inserted therein; providing for separate records to be kept for the mortuary or relief funds of each group, club or class, and the mortuary or relief funds of one group, club or class, and prohibiting the use of the funds of one group, club or class to be used to pay the claims or obligations of

any other group, club or class; requiring the payment of claims in full within a certain period; providing for a notice of claims and granting to the Board of Insurance Commissioners of the State of Texas full authority to cancel certificates under certain conditions; making exceptions with reference to the payment of claims in full under certain conditions; providing for the creation of new groups, clubs and classes, and the payment of benefits; providing for payment on certificates already in force and making provisions with reference to amending the by-laws of the association; providing for the appointment of a conservator under certain conditions and management by the Board of Insurance Commissioners of the State of Texas through a conservator, authorized to be appointed under this Act; and providing for reinsurance and providing for liquidation and for reports to the Attorney General with reference to the forfeiture or cancellation of the charter of associations reinsured or liquidated; repealing Section 29, Chapter 274, Acts of the Forty-first Legislature, 1929, page 563, in so far as same is in conflict with the provisions of this Act relative to burial associations, and repealing parts of Section 6, Chapter 245, Acts of the Forty-third Legislature as amended by Chapter 257, Acts of the Forty-fifth Legislature, exempting from its provisions any corporation, association or partnership, individual or joint stock company engaged in the undertaking business or to any advertising corporation, association and/or membership, individual, or joint stock company, with whom they have contracts; defining "burial associations", and making provisions for the regulation thereof; authorizing organizations thereof under Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto; providing for their operation under Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto, and this Act, making it unlawful for any individuals, firms, co-partnerships, corporations or associations other than those defined in this Act, to engage in the business of providing burial or funeral benefits,

which in any event may be paid wholly or partly in merchandise or services; and providing for certain provisions in the policies and/or certificates issued by burial associations and for the payment by said associations in cash or by merchandise and burial service; authorizing the promulgation of rules and regulations by the Board of Insurance Commissioners of the State of Texas; providing that nothing in the Act shall be construed to include or affect mutual fire insurance companies; affixing certain penalties for violations of the Act; giving until January 1, 1940, to comply with this Act, and providing for full payment of claims and the reduction of the benefits of outstanding certificates under certain circumstances; repealing all laws in conflict with the provisions of this Act; containing a provision that any part of this Act be held unconstitutional the remaining part shall nevertheless remain in full force and effect; providing that the fees collected under this Act paid to the Board of Insurance Commissioners shall be used by the Life Insurance Commissioner toward the enforcement of and carrying out the purposes of this Act, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Scope of Act. This Act shall apply to and embrace all insurance companies and associations, whether incorporated or not, which issue policies or certificates of insurance on the lives of persons, or provide health and accident benefits, upon the so-called mutual assessment plan, or whose funds are derived from the assessments upon its policyholders or members, and shall, in fact, apply to all life, health and accident companies or associations which do not come within the provisions of Chapter 3, Chapter 5, Chapter 7, Chapter 8, Chapter 9, Chapter 18, Chapter 19, or Chapter 20, Title 78 of the Revised Civil Statutes of Texas. This Act shall include local mutual aid associations; statewide life; or life, health and accident associations; mutual assessment life, health and accident associations; burial associations; and similar concerns, by whatsoever name or class designated,

whether specifically named herein or not.

This Act does not enlarge the powers or rights of any of such associations nor enlarge the scope of their legal or corporate existence; nor authorize the creation of any association or corporation to do any of the sorts of business above indicated, where such creation is not now specifically permitted by law. The laws prohibiting or limiting such creation and the exercise of corporate power are not affected by this Act.

Section 2. Definitions. The following terms when used in this Act shall be defined:

"Association" shall refer to and include all types of organizations, corporations, firms, associations, or groups subject to the provisions of this Act.

"Board" shall refer to the Board of Insurance Commissioners of the State of Texas.

"Member" shall include policyholders or any persons insured by an association, by whatsoever means the insurance may be effective.

"Certificate" shall include any insurance policy or contract of insurance, certificate of membership or other document through which insurance is effected or evidenced.

"Face of certificate" shall refer to the maximum amount of promised benefits, as shown on the certificate.

"Paid in full" or "full payment" shall mean the payment of the full amount of maximum benefit due on the happening of the contingency insured against.

"Insolvent" shall refer to and include any condition or situation which is so designated herein and which is violative of the provisions of this law.

"Assessment" shall include premiums and means any and all money or valuable thing paid in consideration of such insurance as is afforded by the certificate.

"Membership fee" shall be the amount of the first assessment or assessments permitted by the Board to be placed in the expense fund of associations, representing cost of soliciting or procuring the member.

Section 3. Names of Associations. Upon application for charter to do business in Texas the Board of Insurance Commissioners may determine whether the name of the association

would be confusing and misleading to the public; if so, it may refuse the certificate or charter, and prohibit the doing of business under the name.

Any amendment to the charter of an association operating under this Act, changing the name of the association, must be submitted to the Board of Insurance Commissioners for approval; and the charter of any association operating under this Act may not be amended to provide for changing its name to a name that is determined by the Board of Insurance Commissioners to be confusing and misleading to the public.

Section 4. Officers of Associations. The Board of Insurance Commissioners shall not issue to any association a certificate of authority to do business in Texas, when it shall find any officer, employee, or member of the board of directors to be unworthy of the trust or confidence of the public. After a certificate has been granted, the board shall order the removal of any officer, employee, or director found unworthy of the trust, and if such officer, employee, or director be not removed, the Board shall cancel the certificate and proceed to deal with the association as though it was insolvent.

Section 5. Bonds of Officers and Employees. Associations not already required by law to furnish a bond for the officer responsible for the handling of funds of the members, shall furnish a bond in some surety licensed by the Board to do business in Texas in the minimum amount of One Thousand (\$1,000.00) Dollars, said bond to be kept at all times at least equal to the mortuary or relief fund balance on hand, with a maximum of Twenty Thousand (\$20,000.00) Dollars. Said bond shall be made payable to the Board of Insurance Commissioners for the use and benefit of the members of the association, and shall obligate the principal and surety to pay such pecuniary loss as the association shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or willful misapplication on the part of such officer, either directly and alone, or in connivance with others.

In addition to the bond required in the preceding paragraph, and in addition to the bond already required by law of certain associations subject to

this Act, each association shall procure for all other office employees, or other persons who may have access to any of its claim funds, separate bonds or blanket bonds with some surety licensed by the Board to do business in Texas, in an amount or amounts fixed by the Board with a minimum of One Thousand (\$1,000.00) Dollars and a maximum of Five Thousand (\$5,000.00) Dollars, payable to the Board of Insurance Commissioners for the use and benefit of the association obligating the principal and surety to pay such pecuniary loss as the association shall sustain through acts of fraud, dishonesty, forgery, theft, embezzlement, wrongful abstraction or willful misapplication on the part of such persons, either directly and alone, or in connivance with others. Successive recoveries on any of the bonds provided for in this Section may be had on such bonds until same are exhausted.

Section 6. Deposits. Each association, not already required by existing laws to do so, shall place with the State Treasurer through the Board of Insurance Commissioners a deposit equal to the largest risk assumed on any one life or person, which may be in cash or in convertible securities subject to approval by the Board. Such deposit shall be liable for the payment of all judgments against the association, and subject to garnishment after final judgments against the association. When such deposit becomes impounded or depleted it shall at once be replenished by the association, and if not replenished immediately on demand by the Board, the association may be regarded as insolvent and dealt with as hereinafter provided.

When any association shall desire to state in advertisements, letters, literature or otherwise, that it has made a deposit with the Board as required by law, it must also state in full the purpose of the deposit, the conditions under which it is made, and the exact amount and character thereof.

Section 7. Membership. Each association shall keep a complete and correct roster of its members with proper statistical records for the purpose of determining proper cost of insurance, by ages or otherwise, and shall keep accurate records of groups,

classes or clubs or other division of memberships, if any; and shall keep records to show amounts paid in on assessments by each member and each group; and as to groups, must show how the funds are distributed between expense and mortuary or relief funds, and showing the amounts paid out of the funds of the whole membership or each group in death claims or other benefits.

The associations subject to this law are hereby expressly prohibited from merging with another association, are prohibited from "transferring" any part or group of membership, or all the membership to another association, or from merging groups or transferring members from one group to another in an association without the consent in advance of the Board of Insurance Commissioners which may be given only after complete investigation into the facts and determination that such transfer or merger is to the advantage of members of the association or groups to be affected.

Section 8. Books and Records. All the records and books of each association shall be kept in the shape, form and manner acceptable to the Board, and if such records and books of any association are kept in such manner as not to reflect truly and accurately the condition of the association, or the facts essential to its faithful and effective operation, the association shall at once adopt forms or systems acceptable to the Board which will serve the purpose most effectively.

Section 9. Policies or Certificates. Every policy or certificate of insurance issued by an association shall state definitely on the front page the amount of death benefit to be paid, and the circumstances or conditions under which it shall be paid shall be plainly stated in the policy. Every health, accident or other benefit shall be plainly stated in the policy, and the terms and conditions under which they shall be paid shall be stated plainly in the policy.

An application for each certificate must be signed by the applicant, unless the applicant is a minor, in which event the application may be signed by a parent or guardian; and a copy thereof must be attached to and made part of such certificate. If the certificate is to provide that misstate-

ment as to the health or physical condition of the applicant may void the policy within the contestable period, the application shall so state in not less than ten point type in language acceptable to the Board. All statements in the application shall in the absence of fraud be regarded as representations and not warranties.

All conditions of the certificate must be stated thereon, including such portions of the by-laws of the association as may affect the insurance rights of the parties in any material way; and amendments to the by-laws which might affect such rights of members must forthwith be mailed by first-class mail to each certificate holder affected. In case of controversy the burden of proof shall be on the company to prove the amendment was mailed to the member. Each certificate must provide that it shall be incontestable, after having been in force during the lifetime of the insured for a period of two years from date of issue, except for non-payment of assessments; provided, however, any association may issue a certificate providing a benefit less than the maximum benefit named in the face of the certificate in case of the death of the member by his own hand while sane or insane. It shall also provide that in case the age of the insured is misstated, the amount of insurance shall be that which the premium actually paid would purchase at the correct age, based on rates in force at the time of the death of the insured. No certificate issued by such association, nor any application for the certificate shall contain language or be in such form as to mislead the applicant or the policyholder as to the type of insurance afforded.

It shall be unlawful for any association to assume liability on a life insurance risk on any one life in an amount in excess of Five Thousand (\$5,000.00) Dollars.

Every certificate issued must be approved by the Board as to form and language before it is used by an association. It is not mandatory that these forms be uniform for all associations, but the Board is directed to bring about as great uniformity as is feasible as early as practicable by cooperation with the several associations. All certificate forms hereafter used must be in accord with the provisions of this Act and with all other

laws regulating such associations as are embraced in this Act.

It will not be required that an association call in and reissue outstanding certificates if upon proper application to the Board and if special permission is granted by the Board, it shall by appropriate resolution or other action declare that claims and other obligations on outstanding certificates will be settled and met as though the requirements of this Act were contained in such certificates; and provided further that the association acts accordingly.

Sec. 10. Renewals of Certificates. In case a certificate shall terminate for any reason, and in case it shall be a rule of the association that all reinstated certificates shall be regarded as new certificates, then the application for reinstatement shall carry the statement in at least ten point type that the same rules apply to it as to the original certificate, and that it can be invalidated within the contestable period for false statements respecting the health or physical condition of the applicant, or other matters material to the risk. A true and correct copy of the application for reinstatement shall be mailed by first-class mail to the certificate holder upon the reinstatement of the certificate. In case of controversy the burden of proof shall be on the association to prove the copy of reinstatement application was mailed to the member. In the event a renewal certificate is issued, such renewal certificate shall have a copy of the application for reinstatement attached and made a part thereof.

It is specially provided, however, that in case an association shall renew or reinstate a certificate after termination, the payments by the reinstated member shall be divided between the funds in the same percentage as is required of regular payments in the particular by-laws, unless nine months have elapsed between termination and reinstatement. If nine months have elapsed between termination and reinstatement, a reinstatement fee not in excess of the membership fee may be charged and placed in the expense fund. Furthermore, in case of renewal or reinstatement, the renewal or reinstatement certificate shall not be contestable for any cause except non-payment of assessments for longer than six months from date thereof, unless the reinstatement or



renewal is within the original two year contestable period, in which case the same may be extended for six months from the date on which it would have originally expired.

Sec. 11. Assessments. Each association shall levy regular and periodical assessments by whatever name they may be called. These assessments must be in such amounts and at such proper intervals as will meet the reasonable operating expenses of the association, and pay in full the claims arising under its certificates. When or if in the course of operation it shall be apparent that the claims cannot be met in full from current assessments and funds on hand, the amount must be increased until they are adequate to meet such claims, and the Board shall so order.

When any association shall refuse to comply with the Board's recommendation or requirements respecting rates of assessments, it shall be treated as insolvent, and shall be dealt with as is hereinafter provided.

Each association operating under the provisions of this Act shall file its rate schedules with the Board of Insurance Commissioners.

Sec. 12. Funds. Assessments when collected shall be divided into at least two funds. One of these shall be the mortuary or relief fund, by whatever name it may be called in the different associations, from which claims under certificates shall be paid, and to a limited extent the cost of defending contested claims, and nothing else; and the other funds shall be the expense funds from which expenses may be paid. At least sixty (60%) per cent of assessments collected, except the membership fee, must be placed in the mortuary or relief fund. The mortuary or relief funds may be invested only in such securities as are a legal investment for the reserve funds of stock life insurance companies.

Such association shall provide in its by-laws for the portion of its assessments to be allotted to the mortuary or relief fund and may provide for the payment out of said mortuary or relief fund of attorneys' fees and necessary expenses arising out of the defense, settlement, or payment of contested claims. Any such payments out of the mortuary or relief fund for other than claims shall be subject to approval of the Board of Insurance Commissioners.

A separate record shall be kept of the mortuary or relief funds of each group, club, or class, and the mortuary or relief funds of one group, club, or class shall not be used to pay the claims or obligations of any other group, club, or class.

Sec. 13. Payment of Claims. It is the primary purpose of this Act to secure to the members of the associations and their beneficiaries the full and prompt payment of all claims according to the maximum benefit provided in their certificates. It is therefore required of all associations that all claims under certificates be paid in full within sixty (60) days after receipt of due proof of claims.

Written notice of claim given to the association shall be deemed due proof in the event the association fails upon receipt of notice to furnish the claimant, within fifteen (15) days, such forms as are usually furnished by it for filing claims.

Any association which shall become unable to pay its valid claims in full within sixty (60) days after due proofs are received, shall for the purpose of this Act be regarded as insolvent, and dealt with as is more fully provided hereinafter.

Sec. 14. Contests. It shall not be unlawful for an association to contest claims for valid reasons; but claims may not be contested for delay only or for captious or inconsequential reasons, or to force settlement at less than full payment. Therefore, if liability is to be denied on any claim, the association is hereby required to notify the claimant within sixty (60) days after due proofs are received that the claim will not be paid, and failing to do so, it will be presumed as a matter of law that liability has been accepted.

The Board shall cancel the certificate of authority of any association found to be operating fraudulently or improperly contesting its claims.

Reports regarding the cost of contests must be made under oath of an officer of the association, with the annual report of all associations to the Board.

Sec. 15. Assessment - as - needed Groups. The provisions of this Act requiring the full payment of claims shall not apply to any group, club, or class previously organized and now operating on the post-mortem or assessment-as-needed plan and any association having such a group, club,

or class may continue to operate it on said plan so long as any such group, or class has a sufficient membership at the assessment rate charged to produce, and so long as it does produce, for the mortuary or relief fund at least fifty (50%) per cent of the maximum value of the largest policy in said group, club or class. In the event the membership of any group, club or class is only sufficient in number to pay between fifty (50%) per cent and one hundred (100%) per cent of the maximum value, it shall be the duty of the officers of said association to have printed on each assessment notice the percentage of the maximum value of the certificate actually paid on the last death claim in said group, club, or class. Provided further, that no association and no group, club, or class in any association shall hereafter be organized to operate on the post-mortem or assessment-as-needed plan.

If on any assessment the amount realized is not sufficient to pay fifty (50%) per cent of the face of the certificate, the association shall be deemed insolvent and dealt with as hereinafter provided.

**Sec. 16. Creation of New Groups.** In the creation of a new group, class, or club, an association may have six (6) months from the date of its creation within which to build said group, club, or class up to the required membership to pay claims in full, provided in the interim the certificates provide for no more than a Five Hundred (\$500.00) Dollar benefit, unless the association has funds out of which it may lawfully make and actually does make the full payment of benefits in the interim. Creation of any new group shall be subject to advance approval by the Board of Insurance Commissioners.

**Sec. 17. Payments on Certificates Already in Force.** If the payments of the members of any association coming within the scope of this Act, on certificates issued and in force when this Act takes effect, reinsurance or renewals of such certificates, shall prove insufficient to pay matured death and disability claims in the maximum amount stated in such policies or certificates, and to provide for the creation and maintenance of the funds required by its laws, such association may with the approval of the Board of Insurance

Commissioners and after proper hearing before said Board provide for meeting such deficiency by additional, increased, or extra rates of payment, or by reduction in the maximum benefits stated in such policies or certificates then in force, or by both such increased payments and reduced maximum benefits, or the members may be given the option of agreeing to reduced maximum benefits, or of making increased payments.

**Sec. 18. Amending By-Laws.** By-Laws of any association may be amended by a majority of the members of the association present when ratified by the Board of Directors, but only at meetings called for that purpose, or at regular meetings. Amendments to the By-laws shall not be effective until approved by the Board of Insurance Commissioners. Notice of all meetings, whether regular or special, at which amendments to by-laws will be considered, must be mailed to all members. Such notices must contain full copies of the proposed changes in the by-laws and fair explanations of the intent and effect thereof.

**Sec. 19. Conservator.** If, upon an examination or at any other time, it appears to the Board of Insurance Commissioners that such association be insolvent, or its condition be, in the opinion of the Board, such as to render the continuance of its business hazardous to the public, or to holders of its certificates, or if such association appears to have exceeded its powers or failed to comply with the law, then the Board shall notify the association of its determination and said association shall have thirty (30) days under the supervision of the Board within which to comply with the requirements of the Board; and in the event of its failure to so comply within such time, the Board, acting for itself, or through a conservator appointed by the Life Insurance Commissioner for that purpose, shall immediately take charge of such association, and all of the property and effects thereof. If the Board is satisfied that such association can best serve its policyholders and the public through its continued operation by the conservator under the direction of said Board, pending the election of new directors and officers by the membership in such manner as the Board may determine, the same shall be done. If the Board, however, is

satisfied that such association is not in condition to satisfactorily continue business in the interest of its policyholders under the conservator as above provided, the Board shall proceed to reinsure the outstanding liabilities in some solvent association or company, authorized to transact business in this State, or the Board shall proceed through such conservator, to liquidate such association, or the Board may give notice to the Attorney General as provided under the general laws relating to insurance corporations. It shall be in the discretion of the Board to determine whether or not it will operate the association through a conservator, as provided above, or proceed to liquidate the association, as herein provided, or report it to the Attorney General. When the liabilities of an association are reinsured or liquidated, as herein provided, the Board shall report the same to the Attorney General, who shall take such action as may be necessary to effect the forfeiture or cancellation of the charter of the association so reinsured or liquidated. Where the Board lends its approval to the merger, transfer or consolidation of the membership of one association with that of another, the same shall be reported to the Attorney General who shall proceed to effect the forfeiture or cancellation of the charter of the association from which the membership was merged, transferred or consolidated, in the same manner as is provided for the charters of associations reinsured or liquidated. No merger or transfer shall be approved unless the association assuming the members transferred or merged is operating under the supervision of the Board of Insurance Commissioners. The cost incident to the conservator's services shall be fixed and determined by the Board and shall be a charge against the assets and funds of the association to be allowed and paid as the Board may determine.

Sec. 20. Special Disability Provision. If any of the provisions of this Act may appear obscure when applied to health, accident or disability provisions in certificates issued by associations authorized to issue health, accident or disability certificates, then the Board is directed to interpret same in accord with the expressed purpose and spirit of the Act looking to the full payment of claims,

and at the same time preserving to members the benefit of the protection afforded by such association.

Sec. 21. That Section 29, Chapter 274, Acts of the Forty-first Legislature, 1929 (p. 563), be and the same is hereby repealed, insofar as same is in conflict with the provisions hereof relative to burial associations.

Sec. 22. That part of Section 6, Chapter 245, Acts of the Forty-third Legislature, as amended by Chapter 257, Acts of the Forty-fifth Legislature, exempting from its provisions any corporation, association or partnership, individual or joint stock company engaged in the undertaking business, or to any advertising corporation, association and/or partnership, individual, or joint stock company with whom they have contracts, be and the same is hereby repealed.

Sec. 23. Burial Association. Any individual, individuals, firms co-partnerships, corporations or associations doing the business of providing burial or funeral benefits, which under any circumstances may be payable partly or wholly in merchandise or services, not in excess of One Hundred and Fifty (\$150.00) Dollars, or the value thereof, are hereby declared to be burial companies, associations or societies, and shall organize under provisions of Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto; and shall operate under and be governed by Chapter 274, Acts of the Forty-first Legislature, 1929, and amendments thereto, and this Act. It shall be unlawful for any individual, individuals, firms, co-partnerships, corporations, or associations, other than those defined above, to engage in the business of providing burial or funeral benefits, which under any circumstances may be paid wholly or partly in merchandise or services.

Sec. 24. Policies or certificates issued by burial associations shall provide for payment of the benefit in certain stipulated merchandise and burial service, which shall be scheduled in the policy or certificate and approved by the Board of Insurance Commissioners as being of the reasonable value as stated in the face of the policy, unless the insured shall at the time said policy is issued elect to have same paid in cash. The policy shall show in writing the election made. If the association issuing said

policy shall fail or refuse to furnish the merchandise and services provided for in the policy, same shall be paid in cash.

Sec. 25. Rules and Regulations. The Board is hereby authorized to promulgate reasonable rules and regulations to carry out the purposes of this Act.

Section 26. Nothing in this Act shall ever be construed to include or affect in any manner mutual fire insurance companies.

Section 27. Penalty; Unlawful Conversion. If any Director, officer, agent, employee, attorney at law or attorney in fact, of any association under this Act, shall fraudulently take, misapply or convert to his own use any money, property or other thing of value belonging to such association, that may have come into his custody, control, possession or management by virtue of his office, directorship, agency, or employment, or in any other manner, or shall secrete the same with intent to take, misapply or convert the same to his own use, or shall pay or deliver the same to any person knowing that he is not entitled to receive it, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

Section 28. Penalty; Diversion of Special Funds. If any Director, officer, agent, employee, attorney at law, or attorney in fact of any association under this Act, shall willfully borrow, withhold or in any manner divert from its purpose, any special fund or any part thereof, belonging to or under the control and management of any association under this Act, which has been set apart by law or by any valid rule or regulation of the Board of Insurance Commissioners of the State of Texas for a specific use, he shall be confined in the penitentiary not less than two (2) nor more than ten (10) years.

Section 29. Penalty; False Reports. The Board of Insurance Commissioners shall have the power and authority to compel written reports from such association as to the condition of such association whenever deemed advisable by the Board. The Board may require that such report be verified by the oath of a responsible officer of the association. If any officer, director, agent, employee, attorney at law or attorney in fact, of any association under this Act, shall will-

fully make any false affidavit in connection with the requirements of this Act, he shall be punished by a fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed two (2) years, or by confinement in the penitentiary not to exceed two (2) years.

Section 30. Penalty; Violation of Board Order. If any director, officer, agent, employee, or attorney at law or attorney in fact of any association under this Act, shall willfully refuse or fail to comply with any lawful order of the Board of Insurance Commissioners of this State he shall be punished by fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

Section 31. Penalty; Violation of Other Provisions of Act. If any director, officer, agent, employee or attorney at law or attorney in fact of any association under this Act, or any other person, shall violate any of the provisions of this Act not specifically set out in Sections 26, 27, 28, and 29 of this Act, he shall be punished by fine not to exceed Five Hundred (\$500.00) Dollars, or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

Section 32. Effective Date. Upon proper showing to the Board of inability of associations to comply with this Act immediately, associations shall have until January 1, 1940, to bring themselves to full compliance with this law in all particulars. By such date, in the event they shall not have done so, they shall be regarded as insolvent as provided herein, and dealt with accordingly. It is specially provided that if associations cannot so arrange their affairs as to make full payment of claims as herein required by such date, they may reduce the benefits of the outstanding certificates by appropriate action having the approval of the Board, so as to make possible full payment of claims. All members must be given prompt notice of such amendment of such certificates.

Section 33. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed to the extent of such conflict.

Section 34. Constitutionality. The provisions of this Act are severable,

and in the event the courts declare any part of it unconstitutional, the other provisions of the Act shall nevertheless remain in full force.

Section 35. All fees paid to the Board of Insurance Commissioners by all associations regulated by this Act shall be and the same are here and now appropriated for the balance of the fiscal year ending August 31st, 1939, to the use and benefit of the Life Insurance Division of the Board of Insurance Commissioners, to be used by the Life Insurance Commissioner for the purpose of enforcing and carrying out the provisions of this Act and other laws relating to the regulation and supervision of such associations; provided, however, that thereafter such fees shall be expended under such limitations as the Legislature may designate in the general departmental appropriation bill; such fees to be deposited in the State Treasury as a special fund to be used as and for the purposes aforesaid and are here and now appropriated for such purposes and all laws or parts of laws to the contrary are here and now expressly repealed to the extent of such conflict only.

Section 36. Emergency Clause. The fact that the present laws governing life, health and accident assessment insurance, as well as burial benefits, do not adequately protect the members from loss through unwholesome, unsound or fraudulent practices, and the Board of Insurance Commissioners is not empowered to safeguard the public interest, and the immediate necessity for remedying the situation, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it so enacted.

(Mr. Leonard in the Chair.)

Mr. Bond moved that the Conference Committee Report on Senate Bill No. 135 be adopted.

Mr. Alsup moved that further consideration of the Report be postponed until 10:30 o'clock a. m., next Monday.

(Speaker in the Chair.)

Mr. Hardin moved to table the motion to postpone the Conference Report on Senate Bill No. 135.

The motion to table prevailed.

The Conference Committee Report on Senate Bill No. 135 was then adopted by the following vote:

Yeas—129

Allison	Howington
Alsup	Hull
Anderson	Hunt
Bailey	Isaacks
Baker	Johnson of Ellis
of Fort Bend	Johnson of Tarrant
Baker of Grayson	Keith
Bell	Kennedy
Blankenship	Kern
Boethel	Kerr
Bond	Kersey
Boyer	Kinard
Bradbury	King
Bradford	Langdon
Bridgers	Lehman
Broadfoot	Leonard
Brown of Cherokee	Leyendecker
Brown	Little
of Nacogdoches	Lock
Bundy	London
Burkett	Mays
Burney	McAlister
Cauthorn	McDonald
Chambers	McFarland
Clark	McMurry
Cleveland	McNamara
Cockrell	Mohrmann
Coleman	Monkhouse
Colson, Mrs.	Montgomery
Cornett	Morris
Crossley	Nicholson
Daniel	Oliver
Derden	Pace
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Piner
Dowell	Ragsdale
Dwyer	Reader of Bexar
Faulkner	Reader of Erath
Felty	Reaves
Ferguson	Reed
Fielden	Rhodes
Fuchs	Riviere
Galbreath	Roach
Gilmer	Roberts
Gordon, Mrs.	Robinson
Hale	Russell
Hamilton	Schuenemann
Hankamer	Segrist
Hardeman	Shell
Hardin	Skiles
Harp	Smith of Frio
Harper	Smith of Hopkins
Harrell of Bastrop	Smith
Harrell of Lamar	of Matagorda
Hartzog	Spencer
Heflin	Stinson
Holland	Talbert

Tarwater	Waggoner
Taylor	Weldon
Tennant	Wells
Thornberry	Westbrook
Thornton	Wilson
Turner	Winfree
Vale	Wood
Voigt	Wright

## Nays—10

Allen	Harris
Boyd	McDaniel
Corry	Newell
Davis of Jasper	Stoll
Davis of Upshur	Worley

## Absent

Celaya	Loggins
Colquitt	Pope
Goodman	Vint
Howard	

## Absent—Excused

Bray	White
Dean	

Mr. Hardin moved to reconsider the vote by which the Report was adopted, and to table the motion to reconsider.

The motion to table prevailed.

## MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has reconsidered the vote by which the Conference Committee Report on House Bill No. 194 was adopted, and has refused to adopt the Report, and grants the request of the House for a new Conference Committee as follows: Senators Spears, Pace, Kelley, Hardin and Martin.

Respectfully,

BOB BARKER,  
Secretary of the Senate.

RECALLING HOUSE BILL NO. 533  
FROM THE GOVERNOR

Mr. Harrell of Lamar offered the following resolution:

H. C. R. No. 132, Recalling House Bill No. 533 from the Governor.

Resolved by the House of Representatives, the Senate concurring, That the Governor be, and he is hereby, requested to return to the House of Representatives House Bill No. 533 for further consideration, and that

the signatures of the presiding officers of the House of Representatives and Senate be erased from the bill.

The resolution was read second time, and was adopted.

## RECESS

Mr. Kinard moved that the House recess until 2:30 o'clock p. m., today.

Mr. Cornett moved that the House recess until 2:00 o'clock p. m., today.

Mr. Reader of Bexar moved that the House adjourn until 10:00 o'clock a. m., next Monday.

The motion of Mr. Kinard prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess until 2:30 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2:30 o'clock p. m., and was called to order by the Speaker.

## LEAVES OF ABSENCE GRANTED

(By unanimous consent)

Mrs. Gordon for this afternoon, on account of important business, on motion of Mr. Smith of Frio.

Mr. Keith for this afternoon, on account of important business, on motion of Mr. Langdon.

Mr. Harrell of Lamar for this afternoon, on account of important business, on motion of Mr. Turner.

Mr. Reader of Bexar temporarily for this afternoon, on account of important business, on motion of Mr. Felty.

Mr. Montgomery temporarily for today, on account of illness, on motion of Mr. Little.

Mr. Leyendecker for this afternoon, on account of illness in his family, on motion of Mr. Boethel.

Mr. Turner temporarily for this afternoon, on account of important business, on motion of Mr. Clark.

Mr. Vale for this afternoon, on account of illness, on motion of Mr. Celaya.

HOUSE BILL NO. 688 ON FINAL  
PASSAGE

The House resumed consideration of pending business, same being House Bill No. 688, relative to the Board of

County and District Road Indebtedness, etc., on its final passage.

The bill having heretofore been read third time.

Mr. Daniel offered the following amendment to the bill:

Amend Tarwater substitute for House Bill No. 688, Section 7, Subsection (a), by adding the following paragraph after the words, "September 17, 1932", and as the last paragraph of said Subsection:

"All bonds voted by a county or defined road district of this State, prior to January 1, 1939, in so far as amounts of same were or may be issued and the proceeds expended in the construction of roads which are a part of the designated system of State Highways, or which were a part of said system, or which may be subsequently designated a part of such system, shall be eligible to participate in the distribution of the moneys coming into the County and Road District Highway Fund as provided in the foregoing and following provisions of this Act as of the date of the designation of said road as a part of the State system. Regardless of other provisions of this Act, where such bonds were voted prior to January 1, 1939, and prior to the designation of the road as a part of the State Highway System, the county or road district may issue and spend the proceeds on the construction of such road under contract and specifications to be approved by the State Highway Engineer, and such bonds shall be eligible to participate in the County and Road District Highway Fund the same as if the bonds were issued and expended prior to January 1, 1939."

DANIEL,  
HARDEMAN.

Mr. Boethel moved the previous question, on the amendment by Mr. Daniel, and the final passage of House Bill No. 688, and the main question was ordered.

The amendment by Mr. Daniel was then adopted by the following vote:

Yeas—115

Allen	Bell
Allison	Boethel
Alsup	Bond
Bailey	Boyer
Baker	Bradbury
of Fort Bend	Bradford

Bridgers	Leonard
Broadfoot	Little
Brown of Cherokee	Lock
Brown	Loggins
of Nacogdoches	London
Bundy	Mays
Burney	McAlister
Cauthorn	McDaniel
Chambers	McDonald
Clark	McFariand
Cleveland	McMurry
Cockrell	McNamara
Colquitt	Monkhouse
Cornett	Montgomery
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Davis of Upshur	Pace
Dickison	Petsch
Dickson	Pevehouse
Donaghey	Pope
Dowell	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Riviere
Fielden	Roach
Fuchs	Roberts
Galbreath	Russell
Gilmer	Schuenemann
Gordon, Mrs.	Segrist
Hale	Shell
Hamilton	Skiles
Hankamer	Smith of Frio
Hardeman	Smith of Hopkins
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harrell of Bastrop	Stinson
Harris	Stoll
Heflin	Talbert
Holland	Tarwater
Howington	Thornberry
Hunt	Thornton
Isaacks	Turner
Johnson of Ellis	Vint
Keith	Weldon
Kennedy	Wells
Kern	Westbrook
Kerr	Wilson
Kersey	Winfree
Kinard	Wood
Langdon	Worley
Lehman	Wright

Nays—4

Blankenship	Taylor
Burkett	Tennant

Absent

Anderson	Colson, Mrs.
Baker of Grayson	Corry
Boyd	Derden
Celaya	Dwyer
Coleman	Hartzog

Howard	Piner
Hull	Ragsdale
Johnson of Tarrant	Rhodes
King	Robinson
Mohrmann	Voigt
Morris	Waggoner

## Absent—Excused

Bray	Leyendecker
Dean	Reader of Bexar
Goodman	Vale
Harrell of Lamar	White

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 688 was then passed by the following vote:

## Yeas—115

Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Bell	Harrell of Bastrop
Boethel	Harris
Bond	Hartzog
Boyd	Heflin
Boyer	Holland
Bradbury	Howard
Bridgers	Howington
Broadfoot	Hunt
Brown of Cherokee	Isaacks
Brown	Johnson of Ellis
of Nacogdoches	Keith
Bundy	Kennedy
Burkett	Kern
Cauthorn	Kersey
Chambers	King
Clark	Langdon
Cleveland	Lehman
Colquitt	Little
Colson, Mrs.	Lock
Cornett	Loggins
Crossley	London
Daniel	Mays
Davis of Jasper	McDaniel
Davis of Upshur	McDonald
Dickison	McFarland
Dickson	McMurry
Donaghey	McNamara
Dowell	Mohrmann
Faulkner	Monkhouse
Felty	Montgomery
Ferguson	Morris
Fielden	Newell
Fuchs	Oliver
Galbreath	Pace
Gilmer	Petsch
Goodman	Pevehouse
Gordon, Mrs.	Reader of Bexar

Reader of Erath	Stoll
Reaves	Talbert
Reed	Tarwater
Rhodes	Taylor
Riviere	Thornberry
Roach	Turner
Roberts	Voigt
Russell	Waggoner
Segrist	Weldon
Skiles	Wells
Smith of Frio	Westbrook
Smith of Hopkins	Wilson
Smith	Winfree
of Matagorda	Wood
Spencer	Worley
Stinson	Wright

## Nays—12

Blankenship	McAlister
Bradford	Nicholson
Burney	Pope
Hardeman	Robinson
Kerr	Tennant
Kinard	Thornton

## Absent

Anderson	Hull
Baker of Grayson	Johnson of Tarrant
Celaya	Leonard
Cockrell	Piner
Coleman	Ragsdale
Corry	Schuenemann
Derden	Shell
Dwyer	Vint

## Absent—Excused

Bray	Leyendecker
Dean	Vale
Harrell of Lamar	White

Mr. Tarwater moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## TO SUSPEND CERTAIN RULES

Mr. Daniel moved to suspend the necessary Rules, in order that Members may take up bills on suspension, for this afternoon.

The motion to suspend the Rules prevailed by the following vote:

## Yeas—85

Allison	Boyd
Alsup	Boyer
Anderson	Bradbury
Bailey	Bridgers
Baker	Brown of Cherokee
of Fort Bend	Brown
Boethel	of Nacogdoches
Bond	Bundy



Burkett	Langdon
Burney	Lehman
Cauthorn	Leonard
Cleveland	Lock
Coleman	Loggins
Colson, Mrs.	London
Cornett	McDonald
Crossley	Montgomery
Daniel	Morris
Davis of Jasper	Newell
Davis of Upshur	Petsch
Dickison	Pevehouse
Dickson	Piner
Donaghey	Reader of Bexar
Dowell	Reader of Erath
Dwyer	Reaves
Felty	Reed
Ferguson	Riviere
Fielden	Roach
Fuchs	Russell
Galbreath	Segrist
Hale	Shell
Hamilton	Skiles
Hardeman	Smith of Frio
Hardin	Smith of Hopkins
Harp	Smith
Harrell of Bastrop	of Matagorda
Harris	Spencer
Holland	Stinson
Hunt	Stoll
Isaacks	Thornberry
Johnson of Ellis	Turner
Kern	Vint
Kerr	Westbrook
Kersey	Winfree
Kinard	Wright

## Nays—36

Allen	McFarland
Bradford	McMurry
Chambers	McNamara
Clark	Monkhouse
Colquitt	Nicholson
Faulkner	Pace
Gilmer	Rhodes
Hankamer	Roberts
Harper	Robinson
Hartzog	Talbert
Heflin	Taylor
Howington	Tennant
Keith	Thornton
Kennedy	Waggoner
Little	Weldon
Mays	Wells
McAlister	Wilson
McDaniel	Worley

## Absent

Baker of Grayson	Corry
Bell	Derden
Blankenship	Goodman
Broadfoot	Howard
Celaya	Hull
Cockrell	Johnson of Tarrant

King	Schuenemann
Mohrmann	Tarwater
Oliver	Voigt
Pope	Wood
Ragsdale	

## Absent—Excused

Bray	Leyendecker
Dean	Vale
Gordon, Mrs.	White
Harrell of Lamar	

## PROVIDING FOR CERTAIN INVESTIGATION

Mr. Taylor offered the following resolution:

H. S. R. No. 262, Providing for certain investigation.

Whereas, The Legislature of Texas has now convened in Regular Session for the purpose of raising sufficient revenue to finance the payment of old age pensions to the aged citizenship of Texas; and

Whereas, The attention of several Members of the House of Representatives has been called to the existence of certain letters mailed to the aged citizenship of this State; and

Whereas, These letters are supposedly sponsored by organizations interested in lobbying for bigger and better pensions; and

Whereas, These letters have for their purpose the solicitation of dollar contributions from all persons over the age of sixty-five; and

Whereas, In return for this contribution, many wild promises are held out to the unsuspecting aged citizenship of this State; and

Whereas, These circular letters contain reflections on the character and ability of the chosen Representatives of the people; and

Whereas, It is the opinion of the Legislature of this State that similar efforts of this nature have resulted in disappointment to the old people of this State and benefited political racketeers; now, therefore, be it

Resolved, That the House, through its Committee on Representation before the Legislature, be authorized to conduct an investigation to ascertain the true purpose and effect of this organized effort that is seeking contributions from the aged citizenship of our State; and, be it further

Resolved, That the House of Representatives authorize payment of actual expenses of such investigation pro-

vided that all expenses shall be approved by the Speaker of the House, the Chairman of the Committee on Contingent Expenses; and the Chairman of the Committee making said investigation; providing that the Committee shall have the power to subpoena any and all witnesses, to investigate, under oath or affirmation, the nature, character and extent of any records pertaining to said inquiry, and that the expenses shall not exceed Five Hundred (\$500.00) Dollars; and providing further that the Committee shall have the authority to conduct hearings after the termination of the Regular Session of the Forty-sixth Legislature if said hearings are not completed before adjournment of the said Regular Session of the Forty-sixth Legislature, and the Committee shall be given the further right and authority to report to either the Regular Session of the Forty-sixth Legislature or any Special Session of the Forty-sixth Legislature convened by the Governor of this State or to the Regular Session of the Forty-seventh Legislature.

The resolution was read second time, and was adopted.

#### HOUSE BILL NO. 52 ON THIRD READING

On motion of Mr. Pope, the regular order of business was suspended, to take up, and have placed on its third reading and final passage, House Bill No. 52.

The Speaker then laid before the House, on its third reading and final passage,

H. B. No. 52, A bill to be entitled "An Act to amend Chapter 138 of the Acts of the Third Called Session of the Thirty-ninth Legislature, the same being an Act entitled: 'An Act to aid the City of Corpus Christi in the construction of a sea wall or breakwater so as to protect said city from calamitous overflow, by donating to said city all the State ad valorem taxes, collected on property and from persons in Jim Wells, Jim Hogg, Brooks, Kleberg, Willacy and Duval Counties and by donating to said city all the State ad valorem taxes, collected on property and from persons in Nueces County, not heretofore donated to the City of Corpus Christi by Act of the Thirty-fifth Legislature of Texas, known as House Bill No. 694 for a

period of twenty-five (25) years, and to provide a penalty for their misapplication', by extending the provisions of said Act for a period of eight (8) years from September 1, 1946, and declaring an emergency."

The bill was read third time, and was passed by the following vote:

#### Yeas—68

Anderson	Johnson of Tarrant
Baker	Kinard
of Fort Bend	King
Bell	Little
Boethel	Lock
Boyer	Loggins
Bradford	McAlister
Bridgers	McDonald
Bundy	McMurry
Celaya	McNamara
Chambers	Mohrmann
Cleveland	Monkhouse
Cockrell	Montgomery
Colson, Mrs.	Nicholson
Daniel	Oliver
Davis of Jasper	Pope
Dickison	Ragsdale
Dwyer	Reader of Bexar
Felty	Reader of Erath
Ferguson	Reed
Fuchs	Riviere
Galbreath	Robinson
Gilmer	Schuenemann
Goodman	Shell
Hankamer	Smith of Frio
Hardin	Stoll
Harp	Tarwater
Harrell of Bastrop	Taylor
Harris	Thornton
Hartzog	Vale
Heflin	Westbrook
Holland	Wilson
Howard	Winfree
Hull	Wright
Johnson of Ellis	

#### Nays—61

Allen	Cornett
Allison	Crossley
Alsup	Davis of Upshur
Bailey	Dickson
Blankenship	Donaghey
Bond	Dowell
Boyd	Faulkner
Bradbury	Fielden
Brown of Cherokee	Hale
Brown	Hamilton
of Nacogdoches	Hardeman
Burkett	Howington
Burney	Hunt
Coleman	Isaacks
Colquitt	Kennedy

Kern	Roberts
Kerr	Russell
Kersey	Segrist
Lehman	Skiles
London	Smith of Hopkins
Mays	Spencer
McFarland	Stinson
Morris	Tennant
Newell	Thornberry
Pace	Vint
Petsch	Voigt
Pevehouse	Waggoner
Piner	Weidon
Reaves	Wells
Rhodes	Wood
Roach	Worley

Present—Not Voting

Corry

Absent

Baker of Grayson	Langdon
Broadfoot	Leonard
Cauthorn	McDaniel
Clark	Smith
Derden	of Matagorda
Harper	Talbert

Absent—Excused

Bray	Keith
Dean	Leyendecker
Gordon, Mrs.	Turner
Harrell of Lamar	White

Mr. Pope moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 190 ON SECOND READING

On motion of Mr. Langdon, the regular order of business was suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 190.

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 190, A bill to be entitled "An Act providing for preference of employment in all State Departments of this State of honorably discharged soldiers, sailors, nurses and marines of the Army and Navy of the United States, etc., and declaring an emergency."

The bill was read second time.

Mr. Langdon offered the following amendment to the bill:

Amend Senate Bill No. 190, Section 1, page 2, line 1, by inserting after the word "therefor," the following:

"provided, however, that no such preference shall be extended to such soldiers, sailors, marines, and nurses who are receiving from the State or Federal Government any monies totaling Fifty (\$50.00) Dollars or more by reason of disabilities incurred during active service in the army, navy, marine, or nurse corps, or by reason of Old Age Assistance payment, or any other Social Security monies provided by law."

LANGDON,  
GOODMAN.

The amendment was adopted.

Mr. Hankamer moved that the House adjourn until 10:00 o'clock a. m., next Monday.

The motion to adjourn was lost.

Mr. Alsup offered the following amendment to the bill:

Amend Senate Bill No. 190, by striking out "20 per cent," wherever it appears in the bill, and inserting in lieu thereof, "10 per cent."

The amendment was adopted.

Mr. Smith of Frio offered the following amendment to the bill:

Amend printed copy of Senate Bill No. 190, by striking out the words, "are citizens and residents of Texas," in lines 38 and 39, and insert in lieu thereof, "are and have been residents or citizens of the State of Texas for a period of 10 years next preceding the date of application."

Mr. Goodman moved the previous question on the pending amendment, and the passage of Senate Bill No. 190 to third reading, and the main question was ordered.

Question recurring on the amendment by Mr. Smith of Frio, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes, and with the body of the bill.

Senate Bill No. 190 was then passed to third reading.

#### SENATE BILL NO. 190 ON THIRD READING

Mr. Langdon moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 190 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Allison	Kinard
Anderson	King
Bailey	Langdon
Baker	Lehman
of Fort Bend	Leonard
Baker of Grayson	Little
Bell	Lock
Blankenship	Loggins
Boethel	London
Bond	McDaniel
Boyd	McFarland
Boyer	McMurry
Bridgers	McNamara
Broadfoot	Monkhouse
Brown of Cherokee	Montgomery
Brown	Nicholson
of Nacogdoches	Oliver
Bundy	Pace
Burney	Petsch
Cauthorn	Pevehouse
Clark	Piner
Cleveland	Pope
Cockrell	Ragsdale
Coleman	Reader of Bexar
Colson, Mrs.	Reader of Erath
Crossley	Reaves
Davis of Jasper	Reed
Dickison	Rhodes
Dickson	Riviere
Donaghey	Roberts
Dowell	Robinson
Faulkner	Russell
Ferguson	Schuenemann
Fielden	Segrist
Fuchs	Shell
Galbreath	Skiles
Gilmer	Smith of Hopkins
Goodman	Spencer
Hale	Stinson
Hamilton	Stoll
Hardeman	Talbert
Hardin	Tarwater
Harp	Taylor
Harper	Tennant
Harrell of Bastrop	Thornberry
Hartzog	Thornton
Holland	Turner
Howington	Vint
Hunt	Voigt
Isaacks	Waggoner
Johnson of Ellis	Weldon
Johnson of Tarrant	Wilson
Kennedy	Winfree
Kern	Wood
Kerr	Worley

Nays—16

Allen	Bradford
Alsup	Cornett

Corry	Newell
Davis of Upshur	Roach
Gordon, Mrs.	Smith of Frio
Hankamer	Wells
Kersey	Westbrook
McAlister	Wright

Absent

Bradbury	Heflin
Burkett	Howard
Celaya	Hull
Chambers	Mays
Colquitt	McDonald
Daniel	Mohrmann
Derden	Morris
Dwyer	Smith
Felty	of Matagorda
Harris	

Absent—Excused

Bray	Leyendecker
Dean	Vale
Harrell of Lamar	White
Keith	

The Speaker then laid Senate Bill No. 190 before the House on third reading and final passage.

The bill was read third time.

Mr. Faulkner offered the following amendment to the bill:

Amend Senate Bill No. 190, by inserting the words "Mexican Border Service", after the words, "in Federal Service, Philippine Insurrection", in Section 1.

The amendment was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—64

Allen	Hankamer
Alsup	Harp
Bell	Hartzog
Bond	Howington
Bradford	Hunt
Burkett	Isaacks
Celaya	Johnson of Ellis
Chambers	Kennedy
Cleveland	Kern
Cockrell	Kerr
Corry	Kersey
Crossley	King
Daniel	Lehman
Davis of Upshur	London
Dickison	Mays
Dickson	McAlister
Dowell	McMurry
Faulkner	McNamara
Ferguson	Monkhouse
Galbreath	Morris
Hamilton	Newell

Nicholson	Smith
Oliver	of Matagorda
Pevehouse	Spencer
Piner	Stoll
Reader of Bexar	Tarwater
Reed	Turner
Roach	Wells
Schuenemann	Wilson
Shell	Winfree
Skiles	Worley
Smith of Frio	Wright
Smith of Hopkins	

## Nays—58

Allison	Johnson of Tarrant
Bailey	Kinard
Baker	Langdon
of Fort Bend	Leonard
Blankenship	Little
Boethel	Lock
Boyd	Loggins
Boyer	McDaniel
Bridgers	McFarland
Brown of Cherokee	Montgomery
Bundy	Pace
Burney	Petsch
Clark	Pope
Coleman	Reader of Erath
Colquitt	Reaves
Cornett	Rhodes
Davis of Jasper	Riviere
Donaghey	Roberts
Felty	Robinson
Fielden	Russell
Fuchs	Stinson
Gilmer	Talbert
Goodman	Taylor
Hale	Tennant
Hardeman	Thornberry
Hardin	Thornton
Harper	Waggoner
Harris	Weldon
Holland	Wood
Howard	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Heflin
Baker of Grayson	Hull
Bradbury	McDonald
Broadfoot	Mohrmann
Cauthorn	Ragsdale
Colson, Mrs.	Segrist
Derden	Vint
Dwyer	Voigt
Harrell of Bastrop	Westbrook

## Absent—Excused

Bray	Gordon, Mrs.
Dean	Harrell of Lamar

Keith	Vale
Leyendecker	White

Mr. Goodman moved the previous question on the final passage of Senate Bill No. 190, and the motion was not seconded.

Mr. Thornberry offered the following amendment to the bill:

Amend Section 3 of Senate Bill No. 190, by adding after the word "Fund," the following: "except the Educational Institutions of this State."

THORNBERRY,  
BELL.

The amendment was adopted by the following vote:

## Yeas—119

Allen	Hale
Allison	Hamilton
Alsup	Hankamer
Anderson	Hardeman
Bailey	Hardin
Baker	Harp
of Fort Bend	Harper
Bell	Harrell of Bastrop
Blankenship	Harris
Boethel	Holland
Bond	Howard
Boyd	Howington
Boyer	Hull
Bradford	Hunt
Bridgers	Isaacks
Brown of Cherokee	Johnson of Ellis
Bundy	Johnson of Tarrant
Burkett	Kennedy
Burney	Kern
Cauthorn	Kerr
Celaya	Kersey
Chambers	Kinard
Clark	King
Cleveland	Langdon
Cockrell	Lehman
Colquitt	Leonard
Colson, Mrs.	Little
Corry	Lock
Crossley	Loggins
Daniel	London
Davis of Jasper	McAlister
Davis of Upshur	McDonald
Dickison	McFarland
Dickson	McMurry
Donaghey	McNamara
Dowell	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Pace
Gilmer	Petsch
Goodman	

Pevehouse  
Reader of Bexar  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Roach  
Roberts  
Robinson  
Russell  
Schuenemann  
Segrist  
Skiles  
Smith of Hopkins  
Spencer  
Stinson  
Stoll

Talbert  
Tarwater  
Taylor  
Tennant  
Thornberry  
Thornton  
Vint  
Waggoner  
Weldon  
Wells  
Westbrook  
Wilson  
Winfree  
Wood  
Worley  
Wright

## Absent

Baker of Grayson  
Bradbury  
Broadfoot  
Brown  
of Nacogdoches  
Coleman  
Cornett  
Derden  
Ferguson  
Hartzog  
Heflin  
Mays

McDaniel  
Mohrmann  
Piner  
Pope  
Ragsdale  
Riviere  
Shell  
Smith of Frio  
Smith  
of Matagorda  
Voigt

## Absent—Excused

Bray  
Dean  
Gordon, Mrs.  
Harrell of Lamar  
Keith

Leyendecker  
Turner  
Vale  
White

Mr. Wood offered the following amendment to the bill:

Amend Senate Bill No. 190, by changing the word "shall," to the word "may," in line 39, page 1, and changing the word "shall," to the word "may," in lines 23, 25 and 29, page 2, Section 2.

Mr. Kinard moved to table the amendment.

The motion to table was lost.

The amendment by Mr. Wood was then lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—75

Allen  
Alsup  
Baker  
of Fort Bend  
Bell  
Bond  
Bradford

Burkett  
Cauthorn  
Celaya  
Chambers  
Clark  
Coleman  
Colquitt

Cornett  
Corry  
Daniel  
Davis of Upshur  
Dickson  
Dwyer  
Felty  
Ferguson  
Fuchs  
Gilmer  
Hale  
Hamilton  
Hankamer  
Hardeman  
Harp  
Harper  
Harris  
Howington  
Hull  
Hunt  
Isaacks  
Johnson of Tarrant  
Kennedy  
Kern  
Kerr  
Kersey  
Lock  
Loggins  
Mays  
McAlister  
McDonald

McFarland  
McMurry  
McNamara  
Monkhouse  
Morris  
Newell  
Oliver  
Petsch  
Pevehouse  
Reader of Bexar  
Reader of Erath  
Reed  
Roach  
Schuenemann  
Skiles  
Smith of Frio  
Smith of Hopkins  
Spencer  
Stoll  
Talbert  
Tarwater  
Thornton  
Vint  
Waggoner  
Weldon  
Wells  
Westbrook  
Wilson  
Wood  
Worley  
Wright

## Nays—46

Allison  
Bailey  
Blankenship  
Boyd  
Boyer  
Bridgers  
Broadfoot  
Brown of Cherokee  
Bundy  
Burney  
Cleveland  
Cockrell  
Colson, Mrs.  
Crossley  
Davis of Jasper  
Donaghey  
Dowell  
Faulkner  
Fielden  
Goodman  
Hardin  
Hartzog  
Holland

Howard  
Johnson of Ellis  
Kinard  
Langdon  
Lehman  
Leonard  
London  
Montgomery  
Nicholson  
Piner  
Pope  
Rhodes  
Riviere  
Roberts  
Robinson  
Russell  
Segrist  
Stinson  
Taylor  
Tennant  
Thornberry  
Voigt  
Winfree

## Absent

Anderson  
Baker of Grayson  
Boethel  
Bradbury  
Brown  
of Nacogdoches

Derden  
Dickison  
Galbreath  
Harrell of Bastrop  
Heflin  
King

Little	Reaves
McDaniel	Shell
Mohrmann	Smith
Pace	of Matagorda
Ragsdale	

Absent—Excused

Bray	Leyendecker
Dean	Turner
Gordon, Mrs.	Vale
Harrell of Lamar	White
Keith	

Mr. Thornberry offered the following amendment to the bill:

Amend Senate Bill No. 190, by adding a new Section to provide, as follows:

"It is hereby provided that this Act shall in no way affect the status of any person now employed in a department of the State government."

The amendment was adopted by the following vote:

Yeas—105

Allen	Fuchs
Alsup	Galbreath
Bailey	Gilmer
Baker	Gordon, Mrs.
of Fort Bend	Hale
Bell	Hamilton
Boethel	Hankamer
Bond	Hardeman
Boyd	Hardin
Boyer	Harp
Bradford	Harris
Bridgers	Heflin
Broadfoot	Howington
Brown of Cherokee	Hunt
Brown	Isaacks
of Nacogdoches	Johnson of Ellis
Burkett	Johnson of Tarrant
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Clark	Kersey
Cleveland	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Little
Corry	Lock
Crossley	Loggins
Daniel	London
Davis of Jasper	McAlister
Davis of Upshur	McDonald
Dickson	McFarland
Dickson	McMurry
Dowell	McNamara
Dwyer	Monkhouse
Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Oliver

Pace	Smith of Hopkins
Petsch	Spencer
Pevehouse	Stinson
Ragsdale	Stoll
Reader of Bexar	Tarwater
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Waggoner
Riviere	Weldon
Roach	Westbrook
Roberts	Wilson
Robinson	Wood
Russell	Worley
Schuenemann	Wright
Skiles	

Nays—7

Allison	Goodman
Blankenship	Segrist
Chambers	Taylor
Donaghey	

Present—Not Voting

Bundy

Absent

Anderson	McDaniel
Baker of Grayson	Mohrmann
Bradbury	Nicholson
Colson, Mrs.	Piner
Cornett	Pope
Derden	Shell
Harper	Smith of Frio
Harrell of Bastrop	Smith
Hartzog	of Matagorda
Holland	Talbert
Howard	Vint
Hull	Voigt
Kinard	Wells
Leonard	Winfree
Mays	

Absent—Excused

Bray	Leyendecker
Dean	Turner
Harrell of Lamar	Vale
Keith	White

(Pending consideration of the amendment by Mr. Thornberry, Mr. Little occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Wells offered the following amendment to the bill:

Amend Senate Bill No. 190, at the proper place, by inserting the following: "only such veterans as actually saw service on foreign soil shall be eligible for such preference."

Mr. Brown of Cherokee moved the previous question on the pending amendment, and the final passage of

Senate Bill No. 190, and the main question was ordered.

Question recurring on the amendment by Mr. Wells, it was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—76

Allen	King
Alsup	Lock
Baker	Loggins
of Fort Bend	London
Boethel	Mays
Bond	McAlister
Bradford	McFarland
Burkett	McMurry
Burney	McNamara
Celaya	Montgomery
Clark	Morris
Cockrell	Newell
Coleman	Petsch
Colquitt	Reader of Bexar
Cornett	Reader of Erath
Corry	Reaves
Daniel	Reed
Davis of Jasper	Roach
Davis of Upshur	Schuenemann
Dwyer	Skiles
Ferguson	Smith of Frio
Fuchs	Smith of Hopkins
Galbreath	Spencer
Gordon, Mrs.	Stinson
Hale	Stoll
Hankamer	Talbert
Hardeman	Tarwater
Hardin	Taylor
Harp	Tennant
Harper	Thornton
Harris	Weldon
Howington	Wells
Hunt	Westbrook
Isaacks	Wilson
Johnson of Tarrant	Winfree
Kennedy	Wood
Kern	Worley
Kerr	Wright
Kersey	

## Nays—47

Allison	Donaghey
Bailey	Dowell
Bell	Faulkner
Blankenship	Fielden
Boyd	Gilmer
Boyer	Goodman
Broadfoot	Hamilton
Brown of Cherokee	Hartzog
Bundy	Holland
Chambers	Hull
Cleveland	Johnson of Ellis
Colson, Mrs.	Kinard
Crossley	Langdon
Dickison	Lehman
Dickson	Leonard

McDonald	Roberts
Monkhouse	Robinson
Nicholson	Russell
Oliver	Segrist
Pace	Shell
Pevehouse	Thornberry
Pope	Voigt
Rhodes	Waggoner
Riviere	

## Present—Not Voting

Brown  
of Nacogdoches

## Absent

Anderson	Howard
Baker of Grayson	Little
Bradbury	McDaniel
Bridgers	Mohrmann
Cauthorn	Piner
Derden	Ragsdale
Felty	Smith
Harrell of Bastrop	of Matagorda
Heflin	Vint

## Absent—Excused

Bray	Leyendecker
Dean	Turner
Harrell of Lamar	Vale
Keith	White

Senate Bill No. 190 was then passed by the following vote:

## Yeas—112

Allen	Daniel
Allison	Davis of Jasper
Anderson	Dickison
Bailey	Dickson
Baker	Donaghey
of Fort Bend	Dowell
Bell	Dwyer
Blankenship	Faulkner
Boethel	Felty
Boyd	Ferguson
Boyer	Fielden
Bradbury	Fuchs
Bridgers	Galbreath
Broadfoot	Gilmer
Brown of Cherokee	Goodman
Brown	Hale
of Nacogdoches	Hamilton
Bundy	Hardin
Burney	Harp
Cauthorn	Harper
Celaya	Harris
Chambers	Hartzog
Clark	Holland
Cleveland	Hull
Cockrell	Hunt
Coleman	Johnson of Ellis
Colquitt	Johnson of Tarrant
Colson, Mrs.	Kennedy
Corry	Kern
Crossley	Kerr



Kersey	Rhodes
Kinard	Riviere
King	Roberts
Langdon	Robinson
Lehman	Russell
Leonard	Schuenemann
Little	Segrist
Lock	Shell
Loggins	Skiles
London	Smith of Hopkins
McDonald	Spencer
McFarland	Stinson
McMurry	Stoll
McNamara	Talbert
Mohrmann	Tarwater
Monkhouse	Taylor
Montgomery	Tennant
Morris	Thornberry
Newell	Thornton
Nicholson	Turner
Oliver	Voigt
Pace	Waggoner
Pevehouse	Weldon
Pope	Wilson
Reader of Bexar	Winfree
Reader of Erath	Wood
Reed	Worley

## Nays—16

Alsup	Isaacks
Bradford	McAlister
Burkett	Petsch
Cornett	Roach
Davis of Upshur	Smith of Frio
Hankamer	Wells
Hardeman	Westbrook
Howington	Wright

## Present—Not Voting

Reaves

## Absent

Baker of Grayson	McDaniel
Bond	Piner
Derden	Ragsdale
Harrell of Bastrop	Smith
Heflin	of Matagorda
Howard	Vint
Mays	

## Absent—Excused

Bray	Keith
Dean	Leyendecker
Gordon, Mrs.	Vale
Harrell of Lamar	White

## REASON FOR VOTE

I voted against this bill, Senate Bill No. 190, because no fitness or qualifications are required or considered under its provisions.

BURKETT.

## REQUEST OF SENATE GRANTED

On motion of Mr. Leonard, the House granted the request of the Senate for the appointment of a Conference Committee on Senate Bill No. 206.

In accordance with the above action, the Speaker announced the appointment of the following Conference Committee on Senate Bill No. 206: Messrs: Leonard, Bond, Celaya, Petsch and Vale.

Mr. Cornett moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Mr. McMurry moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Question first recurring on the motion to adjourn until 10:00 o'clock a. m., tomorrow, it was lost.

Question next recurring on the motion to adjourn until 10:00 o'clock a. m., next Monday, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—49

Anderson	Johnson of Ellis
Blankenship	Kinard
Boethel	Leyendecker
Bond	London
Bradbury	Mays
Bradford	McAlister
Bridgers	McDaniel
Celaya	McFarland
Clark	McMurry
Colquitt	McNamara
Corry	Oliver
Donaghey	Pace
Dwyer	Reader of Bexar
Felty	Rhodes
Ferguson	Robinson
Fuchs	Schuenemann
Gilmer	Smith of Frio
Goodman	Stoll
Gordon, Mrs.	Talbert
Hamilton	Tennant
Hankamer	Thornton
Hardin	Voigt
Harrell of Lamar	Wilson
Heflin	Winfree
Howington	

## Nays—80

Allen	Boyd
Allison	Boyer
Alsup	Broadfoot
Bailey	Brown of Cherokee
Baker	Brown
of Fort Bend	of Nacogdoches
Bell	Bundy

Burkett	Leonard
Burney	Lock
Cauthorn	McDonald
Cleveland	Montgomery
Cockrell	Morris
Coleman	Newell
Colson, Mrs.	Petsch
Cornett	Pevehouse
Crossley	Pope
Daniel	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Reed
Dickison	Riviere
Dickson	Roach
Dowell	Roberts
Faulkner	Russell
Fielden	Segrist
Galbreath	Shell
Hale	Skiles
Hardeman	Smith of Hopkins
Harp	Spencer
Harrell of Bastrop	Stinson
Harris	Tarwater
Hartzog	Taylor
Holland	Thornberry
Hunt	Turner
Isaacks	Vint
Johnson of Tarrant	Waggoner
Kennedy	Weldon
Kern	Wells
Kerr	Westbrook
Kersey	Wood
King	Worley
Lehman	Wright

## Absent

Baker of Grayson	Loggins
Chambers	Mohrmann
Derden	Monkhouse
Harper	Nicholson
Howard	Piner
Hull	Ragsdale
Langdon	Smith
Little	of Matagorda

## Absent—Excused

Bray	Vale
Dean	White
Keith	

**MOTION TO PLACE SENATE  
BILL NO. 309 ON SECOND  
READING**

Mr. Roach moved that the regular order of business be suspended, to take up, and have placed on its second reading, and passage to third reading,

S. B. No. 309, A bill to be entitled "An Act enlarging the powers and duties of the State Department of Education of the State of Texas, so as to provide a Division for the Pre-

vention of Crime by Education; providing for the appointment of the personnel of said Division, fixing their salaries, and defining their duties, and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

## Yeas—63

Allen	Johnson of Ellis
Alsup	Johnson of Tarrant
Bailey	Kennedy
Baker	Kern
of Fort Bend	Kersey
Bell	Leonard
Blankenship	Lock
Boyd	Mays
Boyer	McFarland
Burney	McMurry
Celaya	McNamara
Chambers	Mohrmann
Clark	Newell
Cleveland	Oliver
Cockrell	Pace
Coleman	Pevehouse
Cornett	Reader of Erath
Davis of Jasper	Reaves
Davis of Upshur	Rhodes
Dickison	Roach
Dowell	Schuenemann
Dwyer	Smith of Hopkins
Ferguson	Spencer
Fuchs	Talbert
Galbreath	Taylor
Hamilton	Thornberry
Hankamer	Thornton
Harp	Weldon
Harper	Wells
Harris	Westbrook
Hartzog	Wilson
Howington	Worley

## Nays—45

Allison	Heflin
Boethel	Holland
Bond	Hunt
Bradford	Kerr
Brown	King
of Nacogdoches	Langdon
Burkett	Lehman
Colson, Mrs.	McAlister
Corry	Morris
Crossley	Nicholson
Daniel	Petsch
Dickson	Pope
Donaghey	Ragsdale
Faulkner	Reed
Fielden	Riviere
Gilmer	Roberts
Gordon, Mrs.	Robinson
Hale	Russell
Hardeman	Segrist
Hardin	Skiles

Smith of Frio	Tennant
Stinson	Waggoner
Tarwater	Wright

Present—Not Voting

Bundy

Absent

Anderson	Little
Baker of Grayson	Loggins
Bradbury	London
Bridgers	McDaniel
Broadfoot	McDonald
Brown of Cherokee	Monkhouse
Cauthorn	Piner
Colquitt	Shell
Derden	Smith
Felty	of Matagorda
Goodman	Stoll
Harrell of Bastrop	Vint
Howard	Voigt
Hull	Winfree
Isaacks	Wood
Kinard	

Absent—Excused

Bray	Montgomery
Dean	Reader of Bexar
Harrell of Lamar	Turner
Keith	Vale
Leyendecker	White

## SENATE BILL NO. 117 ON SECOND READING

Mr. Daniel moved, on the suspension of Mr. Holland, that the regular order of business be suspended, to take up, and have placed on its second reading, and passage to third reading, Senate Bill No. 117.

The motion prevailed by the following vote:

Yeas—120

Allen	Celaya
Allison	Chambers
Alsup	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Bell	Colson, Mrs.
Boethel	Cornett
Bond	Corry
Boyd	Crossley
Boyer	Daniel
Bradbury	Davis of Jasper
Bradford	Davis of Upshur
Bridgers	Dickison
Broadfoot	Dickson
Brown of Cherokee	Donaghey
Brown	Dowell
of Nacogdoches	Dwyer
Bundy	Faulkner
Cauthorn	Felty

Ferguson	Monkhouse
Fielden	Morris
Fuchs	Newell
Galbreath	Nicholson
Gordon, Mrs.	Oliver
Hale	Pace
Hamilton	Petsch
Hankamer	Pevehouse
Hardeman	Pope
Hardin	Reader of Erath
Harp	Reaves
Harper	Reed
Harrell of Bastrop	Rhodes
Harris	Riviere
Hartzog	Roach
Heflin	Roberts
Holland	Robinson
Howington	Russell
Hull	Segrist
Hunt	Skiles
Isaacks	Smith of Frio
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Spencer
Kennedy	Stinson
Kern	Stoll
Kerr	Talbert
Kersey	Tarwater
Kinard	Taylor
King	Tennant
Langdon	Thornberry
Lehman	Thornton
Leonard	Turner
Lock	Voigt
Loggins	Waggoner
London	Weldon
McAlister	Wells
McDaniel	Westbrook
McDonald	Wilson
McFarland	Wood
McMurry	Worley
McNamara	Wright

Absent

Anderson	Mays
Baker of Grayson	Mohrmann
Blankenship	Piner
Burkett	Ragsdale
Burney	Schuenemann
Colquitt	Shell
Derden	Smith
Gilmer	of Matagorda
Howard	Vint
Little	Winfree

Absent—Excused

Bray	Leyendecker
Dean	Montgomery
Goodman	Reader of Bexar
Harrell of Lamar	Vale
Keith	White

The Speaker then laid before the House, on its second reading, and passage to third reading,

S. B. No. 117, A bill to be entitled "An Act amending Article 2665 of the Revised Civil Statutes of the State of Texas, Acts, Second Called Session, 1909, page 432."

The bill was read second time.

Mr. Brown of Cherokee offered the following amendment to the bill:

Amend Senate Bill No. 117, in Section 1, line 9, of the printed bill, by striking out the word "Equalization," and substitute in lieu thereof, the word "automatic."

The amendment was adopted.

Mr. Brown of Cherokee offered the following amendment to the bill:

Amend Senate Bill No. 117, page 2, of the printed bill, by adding after the word "months," on line 13, the following:

"Provided that the State Board of Education in estimating the amount of money that it judges to be necessary to maintain the public schools for a period of not less than six months shall proceed as follows, and make use of the formulas set up as follows: (1) It shall multiply the minimum base salary per month used in accredited schools by the total number of teachers, principals, supervisors, assistant superintendents, and superintendents in the State, and then multiply this product by six; (2) From its statistical data collected yearly showing total expenditures for school purposes by all the public schools of the State, it shall make an average of such expenditures for the last five years preceding the year for which the per capita is to be set, taking into account all expenditures for general control less salaries paid to superintendents and assistant superintendents, for instructional purposes less salaries paid to supervisors, principals, and teachers of all ranks, for the operation of the school plants, for the maintenance of the school plants, for fixed charges, for interest on short term loans to pay current running expenses in anticipation of the collection of taxes or the receipt of the State per capita or other moneys, and for auxiliary agencies, but specifically excluding all amounts spent for bonds or the servicing of bonds or bonded indebtedness in any way and specifically excluding also all amounts spent as capital outlay for grounds, buildings, and equipment; (3) It shall take two-thirds of the total average so found as directed in two (2) above

and add to it the last product as found in one (1) above. And this last sum so found shall be considered the amount that is deemed necessary to maintain the public schools for a period of not less than six months. Provided that the State per capita apportionment shall never exceed Twenty-five (\$25.00) Dollars for any one scholastic year."

Mr. Kern offered the following amendment to the amendment by Mr. Brown of Cherokee:

Amend Brown amendment, to Senate Bill No. 117 by striking out the last sentence of the amendment.

The amendment by Mr. Kern was lost.

Mr. Thornton offered the following substitute for the amendment by Mr. Brown of Cherokee:

Amend Senate Bill No. 117, by striking out all of line 7 appearing after the period, on page 2, and all of lines 8, 9, 10, 11, 12 and 13 and inserting in lieu thereof the following:

"The automatic tax board of the State of Texas shall have exclusive authority to set the ad valorem tax rate for school purposes and the State Board of Education shall not set the per capita apportionment in an amount to exceed the amount of money which will be raised by the ad valorem tax rate set by the automatic tax board."

Mr. Brown of Cherokee moved to table the substitute amendment by Mr. Thornton.

The motion to table prevailed.

Mr. Hankamer offered the following amendment to the amendment by Mr. Brown of Cherokee:

Amend Brown amendment to Senate Bill No. 117, by striking out the words and figures in the last sentence, "Twenty-five (\$25.00) Dollars," and by inserting in lieu thereof the words and figures, "Twenty-two Dollars and Fifty Cents (\$22.50)."

(Pending consideration of the amendment, Mr. Johnson of Tarrant occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Davis of Jasper moved the previous question on the pending amendments, and the passage of Senate Bill No. 117 to third reading, and the main question was ordered.

Question first recurring on the

amendment by Mr. Hankamer, it was lost.

Question then recurring on the amendment by Mr. Brown of Cherokee, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 117 was then passed to third reading.

### SENATE BILL NO. 117 ON THIRD READING

Mr. Brown of Cherokee moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 117 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—121

Allen	Felty
Allison	Ferguson
Alsup	Fielden
Bailey	Fuchs
Baker	Galbreath
of Fort Bend	Gilmer
Bell	Hale
Boethel	Hamilton
Boyd	Hardeman
Boyer	Hardin
Bradbury	Harp
Bradford	Harper
Bridgers	Harrell of Bastrop
Broadfoot	Harris
Brown of Cherokee	Hartzog
Brown	Holland
of Nacogdoches	Howington
Bundy	Hull
Burkett	Hunt
Burney	Isaacks
Cauthorn	Johnson of Ellis
Celaya	Johnson of Tarrant
Chambers	Kennedy
Clark	Kern
Cleveland	Kerr
Cockrell	Kersey
Coleman	Kinard
Colson, Mrs.	King
Cornett	Langdon
Corry	Lehman
Crossley	Leonard
Daniel	Little
Davis of Jasper	Lock
Davis of Upshur	Loggins
Dickison	London
Dickson	Mays
Dowell	McAlister
Dwyer	McDaniel
Faulkner	McDonald

McFarland  
McMurry  
McNamara  
Monkhouse  
Morris  
Newell  
Nicholson  
Oliver  
Pace  
Petsch  
Pevehouse  
Pope  
Ragsdale  
Reader of Erath  
Reaves  
Reed  
Rhodes  
Riviere  
Roach  
Roberts  
Robinson  
Russell  
Schuenemann

Segrist  
Shell  
Skiles  
Smith of Frio  
Smith of Hopkins  
Spencer  
Stinson  
Stoll  
Talbert  
Tarwater  
Taylor  
Thornberry  
Thornton  
Voigt  
Waggoner  
Weldon  
Wells  
Westbrook  
Wilson  
Wood  
Worley  
Wright

#### Nays—2

Colquitt                      Hankamer

#### Absent

Anderson	Howard
Baker of Grayson	Mohrmann
Blankenship	Piner
Bond	Smith
Derden	of Matagorda
Donaghey	Tennant
Goodman	Vint
Heflin	Winfree

#### Absent—Excused

Bray	Montgomery
Dean	Reader of Bexar
Gordon, Mrs.	Turner
Harrell of Lamar	Vale
Keith	White
Leyendecker	

The Speaker then laid Senate Bill No. 117 before the House on third reading and final passage.

The bill was read third time, and was passed by the following vote:

#### Yeas—127

Allen	Boyer
Allison	Bradbury
Alsup	Bradford
Bailey	Bridgers
Baker	Broadfoot
of Fort Bend	Brown of Cherokee
Bell	Brown
Blankenship	of Nacogdoches
Boethel	Bundy
Bond	Burkett
Boyd	Burney

Cauthorn	Mays
Celaya	McAlister
Chambers	McDaniel
Clark	McDonald
Cleveland	McFarland
Cockrell	McMurry
Coleman	McNamara
Colson, Mrs.	Mohrmann
Cornett	Monkhouse
Corry	Morris
Crossley	Newell
Daniel	Nicholson
Davis of Jasper	Oliver
Davis of Upshur	Pace
Dickison	Petsch
Dickson	Pevehouse
Dowell	Pope
Dwyer	Ragsdale
Faulkner	Reader of Erath
Felty	Reaves
Ferguson	Reed
Fielden	Rhodes
Fuchs	Riviere
Galbreath	Roach
Gilmer	Roberts
Hale	Robinson
Hamilton	Russell
Hardeman	Schuenemann
Hardin	Segrist
Harp	Shell
Harper	Skiles
Harrell of Bastrop	Smith of Frio
Harris	Smith of Hopkins
Hartzog	Spencer
Holland	Stinson
Howington	Stoll
Hull	Talbert
Hunt	Tarwater
Isaacks	Taylor
Johnson of Ellis	Tennant
Johnson of Tarrant	Thornberry
Kennedy	Thornton
Kern	Turner
Kerr	Vint
Kersey	Voigt
Kinard	Waggoner
King	Weldon
Langdon	Wells
Lehman	Westbrook
Leonard	Wilson
Little	Wood
Lock	Worley
Loggins	Wright
London	

Nays—1

Hankamer

Absent

Anderson	Heflin
Baker of Grayson	Howard
Colquitt	Piner
Derden	Smith
Donaghey	of Matagorda
Goodman	Winfree

## Absent—Excused

Bray	Leyendecker
Dean	Montgomery
Gordon, Mrs.	Reader of Bexar
Harrell of Lamar	Vale
Keith	White

## BILLS ORDERED NOT PRINTED

( By unanimous consent)

On motion of Mr. Cornett, House Bill No. 536 was ordered not printed.

On motion of Mr. Kinard, House Bill No. 1061 was ordered not printed.

On motion of Mr. Weldon, Senate Bill No. 451 was ordered not printed.

On motion of Mr. Fielden, House Bill No. 1062 was ordered not printed.

## MESSAGE FROM THE SENATE

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has refused to concur in House amendments to Senate Bill No. 206, and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed, on the part of the Senate: Senators Kelley, Martin, Winfield, Lanning and Stone of Galveston.

The Senate has adopted the Conference Committee Report on Senate Bill No. 135 by the following vote: Yeas, 25; Nays, 1.

Adopted

H. C. R. No. 125, Directing the Enrolling Clerk of the House to correct House Bill No. 544.

Passed

H. B. No. 910, A bill to be entitled "An Act validating, ratifying and confirming all elections held for the issuance of bonds for the purpose of building school houses in consolidated common school districts in this State, where such school districts are located in counties having a population of not less than twenty-seven thousand, one hundred (27,100), and not more than twenty-seven thousand, four hundred and ten (27,410), etc., and declaring an emergency."

H. B. No. 934, A bill to be entitled "An Act providing for the consolidation of corporations organized under

Subdivision 81 of Article 1302 of the Revised Civil Statutes of 1925, and for the consolidation of such a corporation with similar corporations organized under the laws of the United States or any State or Territory for similar purposes; and providing for the agreement of consolidation and the manner of its approval; and for filing and recording of the articles of consolidation, and declaring an emergency."

H. B. No. 957, A bill to be entitled, "An Act to prohibit seining, gigging, and taking fish by use of hands, or any other method other than by ordinary hook and line or set net, in any of the fresh waters of Bosque County, Texas; providing open seasons on set nets of not less than one and one-half (1½) inch mesh; providing for the taking of perch and catfish by the use of ordinary hook and line or by set nets not exceeding one and one-half (1½) inch mesh at any time; providing penalties for violation of the Act; repealing all laws and parts of laws therewith to the extent of the conflict only, and declaring an emergency." (With amendment.)

H. B. No. 991, A bill to be entitled "An Act making it unlawful to shoot, take, trap, snare or otherwise kill any wild quail in Camp County, Texas, other than on Friday of each week during the open season and on legal holidays, during such period, affixing penalty for violation thereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully,

BOB BARKER,

Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 299, "An Act approving the Quintana State Park offered by the citizens of Brazoria County, and declaring an emergency."

S. B. No. 432, "An Act amending Section 7 of Chapter 60, Acts of the Second Called Session of the Forty-fifth Legislature, and declaring an emergency."

S. B. No. 438, "An Act validating,

confirming, approving and legalizing certain bonds, authorized at certain elections, etc., and declaring an emergency."

S. B. No. 439, "An Act validating and approving all proceedings had by cities and towns in amending their corporate charters, etc., and declaring an emergency."

S. B. No. 398, "An Act providing that all independent school districts in this State, whether created by General or Special Law or Laws, having a tax rate of less than One (\$1.00) Dollar upon each One Hundred (\$100.00) Dollar taxable valuation of property, subject to taxation in such districts, may be authorized by a majority vote of the qualified taxpaying voters of said district, to levy and collect an annual tax not to exceed in any one year One (\$1.00) Dollar on the One Hundred (\$100.00) Dollars valuation of taxable property in said district; repealing all laws and parts of laws in conflict herewith, both General and Special, and declaring an emergency."

S. B. No. 317, "An Act authorizing the Commissioners' Courts in counties having a population of not less than twelve thousand, one hundred and ninety (12,190) inhabitants and not more than twelve thousand, one hundred and ninety-five (12,195) to levy a tax for the purpose of maintaining a hospital, and declaring an emergency."

S. B. No. 203, "An Act to authorize the State Highway Department, in conjunction with the Bureau of Public Roads, to expend, from and after the effective date of this Act, upon roads not a part of the system of State Highways, etc., and declaring an emergency."

S. B. No. 442, "An Act creating County-wide Equalization School Districts for tax purposes, etc., and declaring an emergency."

S. B. No. 422, "An Act providing that all counties within this State having a population in excess of fifty-three thousand, five hundred (53,500) inhabitants and less than fifty-seven thousand (57,000) inhabitants may upon an order made by its Commissioners' Court for this purpose provide and maintain a County Law Library, etc., and declaring an emergency."

## HOUSE BILLS ON FIRST READING

Mr. Burney asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1060.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Burney:

H. B. No. 1060, A bill to be entitled "An Act fixing and providing for the payment of the salary and traveling and office expenses of the County Superintendent of Public Instruction in counties with a population of not less than thirteen thousand, four hundred and fifty (13,450) nor more than thirteen thousand, six hundred (13,600) and not less than nineteen thousand, nine hundred and fifty (19,950) nor more than twenty thousand; one hundred (20,100), according to the preceding Federal Census; and fixing and providing for payment of compensation of County School Trustees in such counties, and declaring an emergency."

Referred to the Committee on Education.

Mr. Clark asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1061.

There was no objection.

The Speaker then laid the bill before the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Clark:

H. B. No. 1061, A bill to be entitled "An Act providing amount of payment to the Executive Committee, in order to have the name placed on official ballot for Representative and Floterial Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Referred to the Committee on Counties.

Mr. Fielden asked unanimous consent, to introduce, at this time, and have placed on first reading, House Bill No. 1062.

There was no objection.

The Speaker then laid the bill be-

fore the House, it was read first time, and referred to the appropriate committee, as follows:

By Mr. Fielden:

H. B. No. 1062, A bill to be entitled "An Act declaring a two (2) year closed season on wild fox in certain counties; providing a penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

## ADJOURNMENT

Mr. Clark moved that the House adjourn until 10:00 o'clock a. m., next Monday.

Mr. Cornett moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion to adjourn until 10:00 o'clock a. m., tomorrow, it was lost.

Question next recurring on the motion to adjourn until 10:00 o'clock a. m., next Monday, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—67

Allen	Kerr
Allison	Kersey
Blankenship	Leonard
Boethel	Leyendecker
Boyer	Little
Bradford	Loggins
Bridgers	London
Broadfoot	Mays
Burney	McAlister
Celaya	McDaniel
Chambers	McDonald
Clark	McFarland
Cockrell	McMurry
Colquitt	McNamara
Davis of Jasper	Mohrmann
Dickson	Newell
Faulkner	Nicholson
Felty	Pace
Ferguson	Ragsdale
Fuchs	Rhodes
Galbreath	Riviere
Gilmer	Robinson
Goodman	Schuenemann
Hankamer	Shell
Hardin	Skiles
Harrell of Bastrop	Smith of Frio
Hartzog	Stinson
Heflin	Stoll
Howington	Taylor
Hull	Tennant
Johnson of Ellis	Vale



Vint	Wilson
Voigt	Winfree
Waggoner	
Nays—64	
Alsup	Hunt
Bailey	Isaacks
Baker	Johnson of Tarrant
of Fort Bend	Kennedy
Bell	Kern
Bond	King
Boyd	Langdon
Brown of Cherokee	Lehman
Brown	Lock
of Nacogdoches	Monkhouse
Bundy	Morris
Burkett	Oliver
Cauthorn	Petsch
Cleveland	Pevehouse
Coleman	Pope
Colson, Mrs.	Reader of Erath
Cornett	Reaves
Corry	Reed
Crossley	Roach
Daniel	Roberts
Davis of Upshur	Russell
Derden	Segrist
Dickison	Smith of Hopkins
Dowell	Spencer
Dwyer	Tarwater
Fielden	Thornberry
Hale	Thornton
Hamilton	Weldon
Hardeman	Wells
Harp	Westbrook
Harper	Wood
Harris	Worley
Holland	Wright

## Absent

Anderson	Kinard
Baker of Grayson	Piner
Bradbury	Smith
Donaghey	of Matagorda
Howard	Talbert

## Absent—Excused

Bray	Montgomery
Dean	Reader of Bexar
Gordon, Mrs.	Turner
Harrell of Lamar	White
Keith	

The House, accordingly, at 5:00 o'clock p. m., adjourned until 10:00 o'clock a. m., next Monday.

## APPENDIX

## STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

State Affairs: House Bills Nos. 756 and 1039.

Counties: House Bill No. 1061.

Game and Fisheries: House Bills Nos. 1059 and 1062.

School Districts: House Bill No. 536.

Criminal Jurisprudence: House Bill No. 1057.

Education: House Bills Nos. 292, 1031 and 1060; Senate Bill No. 451.

Constitutional Amendments: House Joint Resolution No. 25.

REPORTS OF THE COMMITTEE  
ON ENGROSSED BILLS

Committee Room,

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 124, Granting permission to Judge O. L. Parish to be absent from the State of Texas, during the years 1939 and 1940.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 126, Instructing the Enrolling Clerk of the House of Representatives to strike out and delete from said House Bill No. 954 the words and figures "Article 6899d".

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 130, Granting Honorable C. D. Russell, Judge of the Sixty-fourth Judicial District of Texas, permission to be absent from the State of Texas while his Courts are in vacation, during the year 1939.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 196, A bill to be entitled "An Act releasing all penalty and interest accrued on ad valorem city taxes which were delinquent on June 1, 1938, in all cities in this State having a population of not less than two hundred thousand (200,000) nor more than two hundred and fifty thousand (250,000) by the last preceding Federal Census, provided said taxes are paid on or before June 1, 1939, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 543, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold in counties with a population of not less than eight thousand, one hundred seventy-eight (8,178) and not more than eight thousand, two hundred seventy-eight (8,278) people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon highways which have, before the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 850, A bill to be entitled "An Act to authorize the citizens of Gregg County to adopt a County Home Rule Charter, to specify the

requirements for adoption of such charter, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 924, A bill to be entitled "An Act amending Section 5 of Chapter 27, page 37, Acts of the Regular Session of the Thirty-sixth Legislature; amending said Section 5 of Chapter 27, with reference to term of office of the Judge of the County Court of Jefferson County at Law; repealing all laws, or parts of laws, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 973, A bill to be entitled "An Act providing for and fixing compensation of county auditors in certain counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 980, A bill to be entitled "An Act providing that Commissioners' Courts in certain counties shall have the power to provide facilities and financial aid to government agencies and bureaus having activities within the county, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 994, A bill to be entitled

"An Act validating and confirming all procedure in the organization and establishing of certain school district, validating all acts and procedure of school boards and/or County Commissioners' Courts in such districts; making such acts cumulative of all laws and parts of laws not in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1002, A bill to be entitled "An Act ratifying, validating and confirming the publication of every ordinance imposing any penalty, fine or forfeiture heretofore passed and approved by any incorporated city or town within the State; providing that this Act shall not affect pending litigation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1006, A bill to be entitled "An Act to ratify all acts and proceedings of the County Board of School Trustees in any county in the State in consolidating common school districts to independent school districts having a scholastic population of not less than two hundred and fifty (250) and more than four hundred (400), according to the scholastic census at the time of the consolidation and ratifying and confirming all acts and proceedings of the Board in any way relating to such consolidation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1007, A bill to be entitled

"An Act providing that in all counties in the State of Texas having a population of three hundred thousand (300,000) inhabitants or more, and less than three hundred and fifty-five thousand, (355,000) inhabitants, according to the last preceding Federal Census, and where such counties have purchased and adopted voting machines for the purpose of holding elections, the County Auditor upon order of the Commissioners' Court shall advertise for bids for the hauling and/or transporting voting machines to the various precincts in the county; providing that the Commissioners' Court shall award contract to the lowest and best bidder; providing that the Commissioners' Court shall reserve the right to reject any and all bids; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1014, A bill to be entitled "An Act providing for a Rural School Music Supervisor in certain counties; prescribing the duties of said Supervisor; prescribing the method of employing the Supervisor; providing for removal of such Supervisor by the County Board of School Trustees on recommendation of the County Superintendent; prescribing manner of fixing and paying salary, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1015, A bill to be entitled "An Act amending Section 4 of House Bill No. 899, Chapter 146, of the Local and Special Laws, page 572 of the Regular Session of the Thirty-third Legislature, 1913, fixing number of School Trustees in Kyle Independent School District in Hays County; repealing all laws and parts of laws,

General and Special, in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1017, A bill to be entitled "An Act making it unlawful to catch by the use of seine of not less than three (3) inch mesh any fish in the waters of the Sabine River in Sabine County. Repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, provided this Act shall not apply to other streams in Sabine County, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1018, A bill to be entitled "An Act regulating the use of boats upon the waters of Caddo Lake; prescribing who shall enforce the law; prescribing the penalty for violation of said law, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1020, A bill to be entitled "An Act providing amount of payment to the Executive Committee, in order to have name placed on ticket for Representative in certain counties; repealing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1022, A bill to be entitled "An Act providing an open season when it shall be lawful to hunt, take, or kill squirrels in Angelina County, Texas; fixing a penalty for the violation hereof; repealing all laws in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1023, A bill to be entitled "An Act declaring it unlawful for any person to kill, take, or have in his possession for purpose of sale in Angelina and Tyler Counties any wild fox or the pelts thereof, providing that this law shall be in force for a period of two (2) years; providing various exceptions and exemptions; prescribing a penalty for the violation of the provisions of this Act; repealing all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1027, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by the Forty-fifth Legislature so as to add thereto a new Section known as 2350 (5), providing for actual and necessary traveling expenses for Commissioners in the conduct of office in certain counties, and providing for source of payment of such expenses and approval thereof, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1028, A bill to be entitled "An Act providing that certain independent school districts in certain counties shall remain independent school districts for all purposes regardless of decrease in scholastic population, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1032, A bill to be entitled "An Act authorizing incorporated cities, towns or villages, independent school districts, common school districts, drainage districts, water control and improvement districts, water improvement districts or navigation districts in this State to avail themselves of the services of County Tax Assessors and Collectors; fixing the compensation of said county officers for said services, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1036, A bill to be entitled "An Act to provide for the maximum maintenance and bond tax rate for school purposes in all independent school districts in counties having a population of not less than fifty-one thousand, seven hundred and fifty (51,750) and not more than fifty-two thousand (52,000) inhabitants, according to the last preceding Federal Census, and containing in such independent school district a city of not less than twenty-seven thousand, seven hundred and forty (27,740) and not more than twenty-seven, eight hundred (27,800) inhabitants, according to the last preceding Federal Census; repealing all laws and parts of laws

in conflict herewith, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1041, A bill to be entitled "An Act providing for Twenty-five (\$25.00) Dollars expenses for County Commissioners in certain counties in this State; providing mode and manner of payment of such expense accounts; making this Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1042, A bill to be entitled "An Act providing for compensation for county auditor in certain counties; providing mode and manner of payment of such salary; making said Act cumulative of all laws and parts of laws now in force in this State, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1047, A bill to be entitled "An Act granting permission to W. E. Gorham, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. E. Gorham for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on

or about December 7, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except the Statute of Limitation, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 3, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1049, A bill to be entitled "An Act providing for rural school supervisor in certain counties; providing for salary for such supervisor; providing traveling and other expenses for such supervisor; making said Act cumulative of all other laws and parts of laws regarding public education; prescribing duties of such supervisor, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1051, A bill to be entitled "An Act granting permission to W. V. Guthrie, a citizen of the State of Texas, to bring and prosecute suit against the State of Texas, and the

State Highway Commission of Texas in any court of competent jurisdiction in the State of Texas to ascertain the amount, if any, due the said W. V. Guthrie for damages alleged to have been sustained by reason of injuries suffered, if any, while working for the State Highway Department on or about October 27, 1937; said suit shall be tried according to the rules of law and equity and procedure as would be applicable if the suit was one for the recovery of compensation insurance by any citizen against the State Highway Commission of Texas if the said State Highway Commission of Texas had complied with all the requirements of Article 6674S of the Revised Civil Statutes of the State of Texas on the date of the injury and had in effect compensation insurance the said time; providing for right of appeal by either party and for the joinder of other property or necessary parties; providing for service of citation on the State and the Highway Commission of Texas, and how, if any, recovery shall be paid; and providing the time in which said suit may be brought; and providing that the State of Texas and the State Highway Commission may plead any defense available to it, except its failure to have compensation insurance and the Statute of Limitations, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1053, A bill to be entitled "An Act redefining and reestablishing the Union Grove Common School District in Upshur County, Texas, redefining its boundaries, providing that all bonds heretofore voted in said District shall remain in full force and effect against the territory of said District which voted same, providing for the assumption of said bonds by said District, providing for the payment of its proportion of the bonded indebtedness according to the valuation and assessment of the Glade-water Independent School District, providing a saving clause, and repeal-

ing all laws and parts of laws in conflict herewith to the extent of the conflict only, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 4, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 1054, A bill to be entitled "An Act providing for the payment of the traveling expenses of the Court Reporter of the 110th Judicial District of Texas, composed of Briscoe, Motley, Dickens and Floyd Counties, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, May 5, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 132, Requesting the Governor to return House Bill No. 533 to the House of Representatives for further consideration.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### SENT TO THE GOVERNOR

May 5, 1939

House Concurrent Resolution No. 106.

House Concurrent Resolution No. 112.

House Bill No. 518.

House Bill No. 161.

House Bill No. 669.

In Memory of

**Judge James Henry Hale**

---

Mr. Wright offered the following resolution:

H. S. R. No. 259, In memory of Judge James Henry Hale.

Whereas, On the 22nd day of April, 1939, Almighty God in His infinite wisdom called from our midst James Henry Hale of Camilla, Texas, who at the time of his death was County Judge of San Jacinto County, Texas. Our friend and public servant has moved to higher rewards, and his name has been entered in the book with those who loved and served his Country, State and fellowman; and

Whereas, James Henry Hale leaves behind him a record so highly praised it is but fitting for us to point out some of the incidents of that career. He was born November 21, 1889, at Camilla, San Jacinto County, Texas. He was a member of the Baptist Church, the Shepherd Masonic Lodge, and Livingston American Legion Post.

He has played an important role in county politics as he had held three county offices during his lifetime, County Clerk, Tax Collector and County Judge of San Jacinto County. He served in each of these offices for a number of years and rendered faithful and diligent service to his county and to the State of Texas. He devoted long hours of his time both day and night in an effort to improve the condition of his county, his State and his Nation. He was active in all community affairs and conscientious in discharging the duties of his office, loyal to his friends and willing to lend a helping hand whenever the need arose. He was efficient, well informed in county finance and held in the highest esteem by his many friends and associates. He commanded the respect of all who knew him. He was benevolent in disposition and charitable toward everyone, spreading a word of cheer and offering a kindly greeting to those with whom he came in contact. The county and State has lost a very capable man and a dear friend.

Whereas, The contributions of James Henry Hale to both community and State shall ever keep his memory green, and the influence of his life will ever be a worthy example for emulation; now, therefore, be it

Resolved, That a copy of this resolution be spread upon the memorial pages of the House Journal of this day and that the Chief Clerk of the House of Representatives send a copy of this resolution to the members of his family.

WRIGHT.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd, Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cleveland, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett,



Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hull, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood and Worley.

On motion of Mr. Boyer, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

In Memory of  
**Miss Jessie Alison Sayers**

---

Mr. Hull offered the following resolution:

H. S. R. No. 260, In memory of Miss Jessie Alison Sayers.

Whereas, On March 25, 1939, the Almighty, in His infinite wisdom, called home from our midst Miss Jessie Alison Sayers of San Marcos, Texas, the last surviving sister of our late beloved and illustrious Governor Joseph Draper Sayers, who also served as a Member of the State Senate in 1873 and as Lieutenant Governor of Texas in 1879 and 1880; and

Whereas, Miss Sayers attended the public schools in Bastrop and college at Staunton, Virginia, later teaching in the Austin and Bastrop schools, and became a member of the original faculty of Southwest Texas State Teachers College at San Marcos in 1903, retiring two years ago from active teaching; and

Whereas, Her brilliant intellect helped solve many problems that arose in her school work, her unusual tact, her decision of character, her untiring energy, her common sense, her kindness of heart, her sense of humor—in short, her great and gracious personality endeared her to her fellow teachers and her students alike. She was an excellent teacher. Her high standards of accomplishment inspired her best students to more thorough, careful work, while her inexhaustible supply of patience and unfailing encouragement produced in the weaker ones revived and often successful effort; and

Whereas, A life of such distinguished service deserves recognition and tribute by her fellowman; and

Whereas, She was a devout Christian, being a member of Saint Mark's Episcopal Church of San Marcos, a faithful daughter, and a devoted sister; now, therefore, be it

Resolved by the House of Representatives, That the Members thereof deeply regret the passing of this noble and worthy character, and that we extend our sincere sympathy to the surviving members of her family, namely Mrs. Joseph Draper Sayers of Austin and Mrs. T. G. Sayers of Houston, sisters-in-law, and four nephews, T. G. Sayers of Austin, A. F. Sayers of San Antonio, and P. E. and R. S. Sayers of Houston; and, be it further

Resolved, That when the House adjourns today it do so in memory of Miss Jessie Sayers, that a page of the House Journal of today be dedicated to her memory and that the Chief Clerk of the House of Representatives be instructed to send copies of this resolution to the family of Miss Sayers, and to the Faculty of Southwest Texas State Teachers College at San Marcos.

HULL,  
CLEVELAND.

The resolution was read second time.

Signed—Morse, Speaker; Allen, Allison, Alsup, Anderson, Bailey, Baker of Fort Bend, Baker of Grayson, Bell, Blankenship, Boethel, Bond, Boyd,

Boyer, Bradbury, Bradford, Bray, Bridgers, Broadfoot, Brown of Cherokee, Brown of Nacogdoches, Bundy, Burkett, Burney, Cauthorn, Celaya, Chambers, Clark, Cockrell, Coleman, Colquitt, Mrs. Colson, Cornett, Corry, Crossley, Daniel, Davis of Jasper, Davis of Upshur, Dean, Derden, Dickison, Dickson, Donaghey, Dowell, Dwyer, Faulkner, Felty, Ferguson, Fielden, Fuchs, Galbreath, Gilmer, Goodman, Mrs. Gordon, Hale, Hamilton, Hankamer, Hardeman, Hardin, Harp, Harper, Harrell of Bastrop, Harrell of Lamar, Harris, Hartzog, Heflin, Holland, Howard, Howington, Hunt, Isaacks, Johnson of Ellis, Johnson of Tarrant, Keith, Kennedy, Kern, Kerr, Kersey, Kinard, King, Langdon, Lehman, Leonard, Leyendecker, Little, Lock, Loggins, London, Mays, McAlister, McDaniel, McDonald, McFarland, McMurry, McNamara, Mohrmann, Monkhouse, Montgomery, Morris, Newell, Nicholson, Oliver, Pace, Petsch, Pevehouse, Piner, Pope, Ragsdale, Reader of Bexar, Reader of Erath, Reaves, Reed, Rhodes, Riviere, Roach, Roberts, Robinson, Russell, Schuenemann, Segrist, Shell, Skiles, Smith of Frio, Smith of Hopkins, Smith of Matagorda, Spencer, Stinson, Stoll, Talbert, Tarwater, Taylor, Tennant, Thornberry, Thornton, Turner, Vale, Vint, Voigt, Waggoner, Weldon, Wells, Westbrook, White, Wilson, Winfree, Wood, Worley and Wright.

On motion of Mr. Cockrell, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.